

1 AN ACT concerning energy.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Article 5. Energy Transition

5 Section 5-1. Short title. This Article may be cited as the
6 Energy Transition Act. As used in this Article, "this Act"
7 refers to this Article.

8 Section 5-5. Definitions. As used in this Act:

9 "Apprentice" means a participant in an apprenticeship
10 program approved by and registered with the United States
11 Department of Labor's Bureau of Apprenticeship and Training.

12 "Apprenticeship program" means an apprenticeship and
13 training program approved by and registered with the United
14 States Department of Labor's Bureau of Apprenticeship and
15 Training.

16 "Black, indigenous, and people of color" or "BIPOC" means
17 people who are members of the groups described in
18 subparagraphs (a) through (e) of paragraph (A) of subsection
19 (1) of Section 2 of the Business Enterprise for Minorities,
20 Women, and Persons with Disabilities Act.

21 "Community-based organizations" means an organization
22 that: (1) provides employment, skill development, or related

1 services to members of the community; (2) includes community
2 colleges, nonprofits, and local governments; (3) has at least
3 one main operating office in the community or region it
4 serves; and (4) demonstrates relationships with local
5 residents and other organizations serving the community.

6 "Department" means the Department of Commerce and Economic
7 Opportunity, unless the text solely specifies a particular
8 Department.

9 "Director" means the Director of Commerce and Economic
10 Opportunity.

11 "Equity eligible contractor" or "eligible contractor"
12 means:

13 (1) a business that is majority-owned by equity
14 investment eligible individuals or persons who are or have
15 been participants in the Clean Jobs Workforce Network
16 Program, Clean Energy Contractor Incubator Program,
17 Returning Residents Clean Jobs Training Program, Illinois
18 Climate Works Preapprenticeship Program, or Clean Energy
19 Primes Contractor Accelerator Program;

20 (2) a nonprofit or cooperative that is
21 majority-governed by equity investment eligible
22 individuals or persons who are or have been participants
23 in the Clean Jobs Workforce Network Program, Clean Energy
24 Contractor Incubator Program, Returning Residents Clean
25 Jobs Training Program, Illinois Climate Works
26 Preapprenticeship Program, or Clean Energy Primes

1 Contractor Accelerator Program; or

2 (3) an equity investment eligible person or an
3 individual who is or has been a participant in the Clean
4 Jobs Workforce Network Program, Clean Energy Contractor
5 Incubator Program, Returning Residents Clean Jobs Training
6 Program, Illinois Climate Works Preapprenticeship Program,
7 or Clean Energy Primes Contractor Accelerator Program and
8 who is offering personal services as an independent
9 contractor.

10 "Equity focused populations" means (i) low-income persons;
11 (ii) persons residing in equity investment eligible
12 communities; (iii) persons who identify as black, indigenous,
13 and people of color; (iv) formerly convicted persons; (v)
14 persons who are or were in the child welfare system; (vi)
15 energy workers; (vii) dependents of displaced energy workers;
16 (viii) women; (ix) LGBTQ+, transgender, or gender
17 nonconforming persons; (x) persons with disabilities; and (xi)
18 members of any of these groups who are also youth.

19 "Equity investment eligible community" and "eligible
20 community" are synonymous and mean the geographic areas
21 throughout Illinois which would most benefit from equitable
22 investments by the State designed to combat discrimination and
23 foster sustainable economic growth. Specifically, the eligible
24 community means the following areas:

25 (1) R3 Areas as established pursuant to Section 10-40
26 of the Cannabis Regulation and Tax Act, where residents

1 have historically been excluded from economic
2 opportunities, including opportunities in the energy
3 sector; and

4 (2) Environmental justice communities, as defined by
5 the Illinois Power Agency pursuant to the Illinois Power
6 Agency Act, but excluding racial and ethnic indicators,
7 where residents have historically been subject to
8 disproportionate burdens of pollution, including pollution
9 from the energy sector.

10 "Equity investment eligible person" and "eligible person"
11 are synonymous and mean the persons who would most benefit
12 from equitable investments by the State designed to combat
13 discrimination and foster sustainable economic growth.
14 Specifically, eligible persons means the following people:

15 (1) persons whose primary residence is in an equity
16 investment eligible community;

17 (2) persons who are graduates of or currently enrolled
18 in the foster care system; or

19 (3) persons who were formerly incarcerated.

20 "Climate Works Hub" means a nonprofit organization
21 selected by the Department to act as a workforce intermediary
22 and to participate in the Illinois Climate Works
23 Preapprenticeship Program. To qualify as a Climate Works Hub,
24 the organization must demonstrate the following:

25 (1) the ability to effectively serve diverse and
26 underrepresented populations, including by providing

1 employment services to such populations;

2 (2) experience with the construction and building
3 trades;

4 (3) the ability to recruit, prescreen, and provide
5 preapprenticeship training to prepare workers for
6 employment in the construction and building trades; and

7 (4) a plan to provide the following:

8 (A) preparatory classes;

9 (B) workplace readiness skills, such as resume
10 preparation and interviewing techniques;

11 (C) strategies for overcoming barriers to entry
12 and completion of an apprenticeship program; and

13 (D) any prerequisites for acceptance into an
14 apprenticeship program.

15 Section 5-10. Findings. The General Assembly finds that
16 the clean energy sector is a growing area of the economy in the
17 State of Illinois. The General Assembly further finds that
18 State investment in the clean energy economy in Illinois can
19 be a vehicle for expanding equitable access to public health,
20 safety, a cleaner environment, quality jobs, and economic
21 opportunity.

22 It is in the public policy interest of the State to ensure
23 that Illinois residents from communities disproportionately
24 impacted by climate change, communities facing coal plant or
25 coal mine closures, and economically disadvantaged communities

1 and individuals experiencing barriers to employment have
2 access to State programs and good jobs and career
3 opportunities in growing sectors of the State economy. To
4 promote those interests in the growing clean energy sector,
5 the General Assembly hereby creates this Act to increase
6 access to and opportunities for education, training, and
7 support services these individuals need to succeed in the
8 labor market generally and the clean energy sector
9 specifically. The General Assembly further finds that the
10 programs included in this Act are essential to equitable,
11 statewide access to quality training, jobs, and economic
12 opportunities across the clean energy sector.

13 Section 5-15. Regional Administrators.

14 (a) Subject to appropriation, the Department shall select
15 3 unique Regional Administrators: one Regional Administrator
16 for coordination of the work in the Northern Illinois Program
17 Delivery Area, one Regional Administrator for coordination of
18 the work in the Central Illinois Program Delivery Area, and
19 one Regional Administrator for coordination of the work in the
20 Southern Illinois Program Delivery Area.

21 (b) The Regional Administrators shall have strong
22 capabilities, experience, and knowledge related to program
23 development and fiscal management; cultural and language
24 competency needed to be effective in their respective
25 communities to be served; expertise in working in and with

1 BIPOC and environmental justice communities; knowledge and
2 experience in working with employer or sectoral partnerships,
3 if applicable, in clean energy or related sectors; and
4 awareness of industry trends and activities, workforce
5 development best practices, regional workforce development
6 needs, regional and industry employers, and community
7 development. The Regional Administrators shall demonstrate a
8 track record of strong partnerships with community-based
9 organizations and labor organizations.

10 (c) The Regional Administrators shall work together to
11 administer the implementation of the Clean Jobs Workforce
12 Network Program, the Illinois Climate Works Preapprenticeship
13 Program, the Clean Energy Contractor Incubator Program, and
14 the Returning Resident Clean Jobs Training Program.

15 Section 5-20. Clean Jobs Workforce Network Program.

16 (a) As used in this Section, "Program" means the Clean
17 Jobs Workforce Network Program.

18 (b) Subject to appropriation, the Department shall develop
19 and, through Regional Administrators, administer the Clean
20 Jobs Workforce Network Program to create a network of 13
21 Program delivery Hub Sites with program elements delivered by
22 community-based organizations and their subcontractors
23 geographically distributed across the State including at least
24 one Hub Site located in or near each of the following areas:
25 Chicago (South Side), Chicago (Southwest and West Sides),

1 Waukegan, Rockford, Aurora, Joliet, Peoria, Champaign,
2 Danville, Decatur, Carbondale, East St. Louis, and Alton.

3 (c) In admitting program participants, for each workforce
4 Hub Site, the Regional Administrators shall:

5 (1) in each Hub Site where the applicant pool allows:

6 (A) dedicate at least one-third of program
7 placements to applicants who reside in a geographic
8 area that is impacted by economic and environmental
9 challenges, defined as an area that is both (i) an R3
10 Area, as defined pursuant to Section 10-40 of the
11 Cannabis Regulation and Tax Act, and (ii) an
12 environmental justice community, as defined by the
13 Illinois Power Agency, excluding any racial or ethnic
14 indicators used by the agency unless and until the
15 constitutional basis for their inclusion in
16 determining program admissions is established. Among
17 applicants that satisfy these criteria, preference
18 shall be given to applicants who face barriers to
19 employment, such as low educational attainment, prior
20 involvement with the criminal legal system, and
21 language barriers; and applicants that are graduates
22 of or currently enrolled in the foster care system;
23 and

24 (B) dedicate at least two-thirds of program
25 placements to applicants that satisfy the criteria in
26 paragraph (1) or who reside in a geographic area that

1 is impacted by economic or environmental challenges,
2 defined as an area that is either (i) an R3 Area, as
3 defined pursuant to Section 10-40 of the Cannabis
4 Regulation and Tax Act, or (ii) an environmental
5 justice community, as defined by the Illinois Power
6 Agency, excluding any racial or ethnic indicators used
7 by the agency unless and until the constitutional
8 basis for their inclusion in determining program
9 admissions is established. Among applicants that
10 satisfy these criteria, preference shall be given to
11 applicants who face barriers to employment, such as
12 low educational attainment, prior involvement with the
13 criminal legal system, and language barriers; and
14 applicants that are graduates of or currently enrolled
15 in the foster care system; and

16 (2) prioritize the remaining program placements for:
17 applicants who are displaced energy workers as defined in
18 the Energy Community Reinvestment Act; persons who face
19 barriers to employment, including low educational
20 attainment, prior involvement with the criminal legal
21 system, and language barriers; and applicants who are
22 graduates of or currently enrolled in the foster care
23 system, regardless of the applicant's area of residence.

24 The Department and Regional Administrators shall protect
25 the confidentiality of any personal information provided by
26 program applicants regarding the applicant's status as a

1 formerly incarcerated person or foster care recipient;
2 however, the Department or Regional Administrators may publish
3 aggregated data on the number of participants that were
4 formerly incarcerated or foster care recipients so long as
5 that publication protects the identities of those persons.

6 Any person who applies to the program may elect not to
7 share with the Department or Regional Administrators whether
8 he or she is a graduate or currently enrolled in the foster
9 care system or was formerly convicted.

10 (d) Program elements for each Hub Site shall be provided
11 by a community-based organization. The Department shall
12 initially select a community-based organization in each Hub
13 Site and shall subsequently select a community-based
14 organization in each Hub Site every 3 years. Community-based
15 organizations delivering program elements outlined in
16 subsection (e) may provide all elements required or may
17 subcontract to other entities for provision of portions of
18 program elements, including, but not limited to,
19 administrative soft and hard skills for program participants,
20 delivery of specific training in the core curriculum, or
21 provision of other support functions for program delivery
22 compliance.

23 (e) The Clean Jobs Workforce Hubs Network shall:

24 (1) coordinate with Energy Transition Navigators: (i)
25 to increase participation in the Clean Jobs Workforce
26 Network Program and clean energy and related sector

1 workforce and training opportunities; (ii) coordinate
2 recruitment, communications, and ongoing engagement with
3 potential employers, including, but not limited to,
4 activities such as job matchmaking initiatives, hosting
5 events such as job fairs, and collaborating with other Hub
6 Sites to identify and implement best practices for
7 employer engagement; and (iii) leverage community-based
8 organizations, educational institutions, and
9 community-based and labor-based training providers to
10 ensure program-eligible individuals across the State have
11 dedicated and sustained support to enter and complete the
12 career pipeline for clean energy and related sector jobs;

13 (2) develop formal partnerships, including formal
14 sector partnerships between community-based organizations
15 and entities that provide clean energy jobs, including
16 businesses, nonprofit organizations, and worker-owned
17 cooperatives, to ensure that Program participants have
18 priority access to employment training and hiring
19 opportunities; and

20 (3) implement the Clean Jobs Curriculum to provide,
21 including, but not limited to, training, certification
22 preparation, job readiness, and skill development,
23 including soft skills, math skills, technical skills,
24 certification test preparation, and other development
25 needed, to Program participants.

26 (f) Funding for the Program is subject to appropriation

1 from the Energy Transition Assistance Fund.

2 (g) The Department shall require submission of quarterly
3 reports, including program performance metrics by each Hub
4 Site to the Regional Administrator of their Program Delivery
5 Area. Program performance metrics include, but are not limited
6 to:

7 (1) demographic data, including racial, gender,
8 residency in eligible communities, and geographic
9 distribution data, on Program trainees entering and
10 graduating the Program;

11 (2) demographic data, including racial, gender,
12 residency in eligible communities, and geographic
13 distribution data, on Program trainees who are placed in
14 employment, including the percentages of trainees by race,
15 gender, and geographic categories in each individual job
16 type or category and whether employment is union,
17 nonunion, or nonunion via temporary agency;

18 (3) trainee job acquisition and retention statistics,
19 including the duration of employment (start and end dates
20 of hires) by race, gender, and geography;

21 (4) hourly wages, including hourly overtime pay rate,
22 and benefits of trainees placed into employment by race,
23 gender, and geography;

24 (5) percentage of jobs by race, gender, and geography
25 held by Program trainees or graduates that are full-time
26 equivalent positions, meaning that the position held is

1 full-time, direct, and permanent based on 2,080 hours
2 worked per year (paid directly by the employer, whose
3 activities, schedule, and manner of work the employer
4 controls, and receives pay and benefits in the same manner
5 as permanent employees); and

6 (6) qualitative data consisting of open-ended
7 reporting on pertinent issues, including, but not limited
8 to, qualitative descriptions accompanying metrics or
9 identifying key successes and challenges.

10 (h) Within 3 years after the effective date of this Act,
11 the Department shall select an independent evaluator to review
12 and prepare a report on the performance of the Program and
13 Regional Administrators.

14 Section 5-25. Clean Jobs Curriculum.

15 (a) As used in this Section, "clean energy jobs", subject
16 to administrative rules, means jobs in the solar energy, wind
17 energy, energy efficiency, energy storage, solar thermal,
18 green hydrogen, geothermal, electric vehicle industries, other
19 renewable energy industries, industries achieving emission
20 reductions, and other related sectors including related
21 industries that manufacture, develop, build, maintain, or
22 provide ancillary services to renewable energy resources or
23 energy efficiency products or services, including the
24 manufacture and installation of healthier building materials
25 that contain fewer hazardous chemicals. "Clean energy jobs"

1 includes administrative, sales, other support functions within
2 these industries and other related sector industries.

3 (b) The Department shall convene a comprehensive
4 stakeholder process that includes representatives from the
5 State Board of Education, the Illinois Community College
6 Board, the Department of Labor, community-based organizations,
7 workforce development providers, labor unions, building
8 trades, educational institutions, residents of BIPOC and
9 low-income communities, residents of environmental justice
10 communities, clean energy businesses, nonprofit organizations,
11 worker-owned cooperatives, other groups that provide clean
12 energy jobs opportunities, groups that provide construction
13 and building trades job opportunities, and other participants
14 to identify the career pathways and training curriculum needed
15 for participants to be skilled, work ready, and able to enter
16 clean energy jobs. The curriculum shall:

17 (1) identify the core training curricular competency
18 areas needed to prepare workers to enter clean energy and
19 related sector jobs;

20 (2) identify a set of required core cross-training
21 competencies provided in each training area for clean
22 energy jobs with the goal of enabling any trainee to
23 receive a standard set of skills common to multiple
24 training areas that would provide a foundation for
25 pursuing a career composed of multiple clean energy job
26 types;

1 (3) include approaches to integrate broad occupational
2 training to provide career entry into the general
3 construction and building trades sector and any remedial
4 education and work readiness support necessary to achieve
5 educational and professional eligibility thresholds; and

6 (4) identify on-the-job training formats, where
7 relevant, and identify suggested trainer certification
8 standards, where relevant.

9 (c) The Department shall publish a report that includes
10 the findings, recommendations, and core curriculum identified
11 by the stakeholder group and shall post a copy of the report on
12 its public website. The Department shall convene the process
13 described to update and modify the recommended curriculum
14 every 3 years to ensure the curriculum contents are current to
15 the evolving clean energy industries, practices, and
16 technologies.

17 (d) Organizations that receive funding to provide training
18 under the Clean Jobs Workforce Network Program, including, but
19 not limited to, community-based and labor-based training
20 providers, and educational institutions must use the core
21 curriculum that is developed under this Section.

22 Section 5-30. Energy Transition Barrier Reduction Program.

23 (a) As used in this Section, "Program" means the Energy
24 Transition Barrier Reduction Program.

25 (b) Subject to appropriation, the Department shall create

1 and administer an Energy Transition Barrier Reduction Program.
2 The Program shall be used to provide supportive services for
3 individuals impacted by the energy transition. Services
4 allowed are intended to help eligible individuals overcome
5 financial and other barriers to participation in the Clean
6 Jobs Workforce Network Program and the Illinois Climate Works
7 Preapprenticeship Program.

8 (c) The Program shall be available to individuals eligible
9 for participation in the Clean Jobs Workforce Network Program
10 or Illinois Climate Works Preapprenticeship Program.

11 (d) The Department shall determine appropriate allowable
12 program costs, elements, and financial supports to reduce
13 barriers to successful participation in the Clean Jobs
14 Workforce Program and the Illinois Climate Works
15 Preapprenticeship Program for individuals eligible for these
16 programs.

17 (e) Community-based organizations and other nonprofits
18 selected by the Department shall provide supportive services
19 described in this Section to eligible individuals
20 participating in the Clean Jobs Workforce Network Program and
21 Illinois Climate Works Preapprenticeship Program.

22 (f) The community-based organizations that provide support
23 services under this Section shall coordinate with the Energy
24 Transition Navigators to ensure eligible individuals have
25 access to these services.

26 (g) Funding for the Program is subject to appropriation

1 from the Energy Transition Assistance Fund.

2 Section 5-35. Energy Transition Navigators.

3 (a) As used in this Section:

4 "Community-based provider" means a not-for-profit
5 organization that has a history of serving low-wage or
6 low-skilled workers or individuals from economically
7 disadvantaged communities.

8 "Economically disadvantaged community" means areas of one
9 or more census tracts where the average household income does
10 not exceed 80% of the area median income.

11 (b) In order to engage eligible individuals to participate
12 in the Clean Jobs Workforce Network Program, the Illinois
13 Climate Works Preapprenticeship Program, Returning Residents
14 Clean Jobs Program, Clean Energy Contractor Incubator Program,
15 and Clean Energy Primes Contractor Accelerator Program and
16 utilize the services offered under the Energy Transition
17 Barrier Reduction Program, the Department shall, subject to
18 appropriation, contract with community-based providers to
19 serve as Energy Transition Navigators. Energy Transition
20 Navigators shall provide education, outreach, and recruitment
21 services to equity focused populations, prioritizing
22 individuals eligible for the Clean Jobs Workforce Network
23 Program or Illinois Climate Works Preapprenticeship Program,
24 to make sure they are aware of and engaged in the statewide and
25 local workforce development systems. Additional strategies may

1 include, but are not limited to, recruitment activities and
2 events.

3 (c) For members of equity focused populations,
4 prioritizing individuals eligible for the Clean Jobs Workforce
5 Network Program or Illinois Climate Works Preapprenticeship
6 Program, who may be interested in entrepreneurial pursuits,
7 Energy Transition Navigators may connect these individuals
8 with their area Small Business Development Center, Procurement
9 Technical Assistance Centers, or economic development
10 organization to engage in services, including, but not limited
11 to, business consulting, business planning, regulatory
12 compliance, marketing, training, accessing capital, government
13 bid, and certification assistance.

14 (d) Energy Transition Navigators shall engage equity
15 focused populations, prioritizing individuals eligible for the
16 Clean Jobs Workforce Network Program or Illinois Climate Works
17 Preapprenticeship Program, organizations working with these
18 populations, local workforce innovation boards, and other
19 relevant stakeholders to coordinate outreach initiatives to
20 promote information regarding programs and services offered
21 under the Clean Jobs Workforce Network Program, the Illinois
22 Climate Works Preapprenticeship Program, and the Energy
23 Transition Barrier Reduction Program. Energy Transition
24 Navigators shall provide support where reasonable to
25 individuals and entities applying for these services and
26 programs.

1 (e) Community education, outreach, and recruitment
2 regarding the Clean Jobs Workforce Network Program, the
3 Illinois Climate Works Preapprenticeship Program, and Energy
4 Transition Barrier Reduction Program shall be targeted to the
5 equity focused populations, prioritizing individuals eligible
6 for the Clean Jobs Workforce Network Program or Illinois
7 Climate Works Preapprenticeship Program.

8 (f) Community-based providers shall partner with
9 educational institutions or organizations working with equity
10 focused populations, local employers, labor unions, and others
11 to identify members of equity focused populations in eligible
12 communities who are unable to advance in their careers due to
13 inadequate skills. Community-based providers shall provide
14 information and consultation to equity focused populations,
15 prioritizing individuals eligible for the Clean Jobs Workforce
16 Network Program or Illinois Climate Works Preapprenticeship
17 Program, on various educational opportunities and supportive
18 services available to them.

19 (g) Community-based providers shall establish partnerships
20 with employers, educational institutions, local economic
21 development organizations, environmental justice
22 organizations, trades groups, labor unions, and entities that
23 provide jobs, including businesses and other nonprofit
24 organizations, to target the skill needs of local industry.
25 The community-based provider shall work with local workforce
26 innovation boards and other relevant partners to develop skill

1 curriculum and career pathway support for disadvantaged
2 individuals in equity focused populations, prioritizing
3 individuals eligible for the Clean Jobs Workforce Network
4 Program or Illinois Climate Works Preapprenticeship Program,
5 that meets local employers' needs and establishes job
6 placement opportunities after training.

7 (h) Funding for the Program is subject to appropriation
8 from the Energy Transition Assistance Fund. Priority in
9 awarding grants under this Section will be given to
10 organizations that also have experience serving populations
11 impacted by climate change.

12 (i) Each community-based organization that receives
13 funding from the Department as an Energy Transition Navigator
14 shall provide an annual report to the Department by April 1 of
15 each calendar year. The annual report shall include the
16 following information:

17 (1) a description of the community-based
18 organization's recruitment, screening, and training
19 efforts;

20 (2) the number of individuals who apply to,
21 participate in, and complete programs offered through the
22 Energy Transition Workforce Program, broken down by race,
23 gender, age, and location; and

24 (3) any other information deemed necessary by the
25 Department.

1 Section 5-40. Illinois Climate Works Preapprenticeship
2 Program.

3 (a) Subject to appropriation, the Department shall
4 develop, and through Regional Administrators administer, the
5 Illinois Climate Works Preapprenticeship Program. The goal of
6 the Illinois Climate Works Preapprenticeship Program is to
7 create a network of hubs throughout the State that will
8 recruit, prescreen, and provide preapprenticeship skills
9 training, for which participants may attend free of charge and
10 receive a stipend, to create a qualified, diverse pipeline of
11 workers who are prepared for careers in the construction and
12 building trades and clean energy jobs opportunities therein.
13 Upon completion of the Illinois Climate Works
14 Preapprenticeship Program, the candidates will be connected to
15 and prepared to successfully complete an apprenticeship
16 program.

17 (b) Each Climate Works Hub that receives funding from the
18 Energy Transition Assistance Fund shall provide an annual
19 report to the Illinois Works Review Panel by April 1 of each
20 calendar year. The annual report shall include the following
21 information:

22 (1) a description of the Climate Works Hub's
23 recruitment, screening, and training efforts, including a
24 description of training related to construction and
25 building trades opportunities in clean energy jobs;

26 (2) the number of individuals who apply to,

1 participate in, and complete the Climate Works Hub's
2 program, broken down by race, gender, age, and veteran
3 status;

4 (3) the number of the individuals referenced in
5 paragraph (2) of this subsection who are initially
6 accepted and placed into apprenticeship programs in the
7 construction and building trades; and

8 (4) the number of individuals referenced in paragraph
9 (2) of this subsection who remain in apprenticeship
10 programs in the construction and building trades or have
11 become journeymen one calendar year after their placement,
12 as referenced in paragraph (3) of this subsection.

13 (c) Subject to appropriation, the Department shall provide
14 funding to 3 Climate Works Hubs throughout the State,
15 including one to the Illinois Department of Transportation
16 Region 1, one to the Illinois Department of Transportation
17 Regions 2 and 3, and one to the Illinois Department of
18 Transportation Regions 4 and 5. The Department shall initially
19 select a community-based provider in each region and shall
20 subsequently select a community-based provider in each region
21 every 3 years.

22 (d) The Climate Works Hubs shall recruit, prescreen, and
23 provide preapprenticeship training to equity investment
24 eligible persons. This training shall include information
25 related to opportunities and certifications relevant to clean
26 energy jobs in the construction and building trades.

1 (e) Funding for the Program is subject to appropriation
2 from the Energy Transition Assistance Fund.

3 (f) The Department shall adopt any rules deemed necessary
4 to implement this Section.

5 Section 5-45. Clean Energy Contractor Incubator Program.

6 (a) As used in this Section, "community-based
7 organization" means a nonprofit organization, including an
8 accredited public college or university that:

9 (1) has a history of providing business-related
10 assistance and knowledge to help entrepreneurs start, run,
11 and grow their businesses;

12 (2) has knowledge of construction and clean energy
13 trades;

14 (3) demonstrates relationships with local residents
15 and other organizations serving the community; and

16 (4) demonstrates the ability to effectively serve
17 diverse and underrepresented populations.

18 (b) Subject to appropriation, the Department shall
19 develop, and through the Regional Administrators, administer
20 the Clean Energy Contractor Incubator Program ("Program") to
21 create a network of 13 Program delivery Hub Sites with program
22 elements delivered by community-based organizations and their
23 subcontractors geographically distributed across the State,
24 including at least one Hub Site located in or near each of the
25 following areas: Chicago (South Side), Chicago (Southwest and

1 West Sides), Waukegan, Rockford, Aurora, Joliet, Peoria,
2 Champaign, Danville, Decatur, Carbondale, East St. Louis, and
3 Alton.

4 (c) In admitting program participants, for each Contractor
5 Incubator Hub Site the Regional Administrators shall:

6 (1) in each Hub Site where the applicant pool allows:

7 (A) dedicate at least one-third of program
8 placements to the owners of clean energy contractor
9 businesses and nonprofits who reside in a geographic
10 area that is impacted by economic and environmental
11 challenges, defined as an area that is both (i) an R3
12 Area, as defined pursuant to Section 10-40 of the
13 Cannabis Regulation and Tax Act, and (ii) an
14 environmental justice community, as defined by the
15 Illinois Power Agency, excluding any racial or ethnic
16 indicators used by the agency unless and until the
17 constitutional basis for their inclusion in
18 determining program admissions is established. Among
19 applicants that satisfy these criteria, preference
20 shall be given to applicants who face barriers to
21 employment, such as low educational attainment, prior
22 involvement with the criminal legal system, and
23 language barriers; and applicants that are graduates
24 of or currently enrolled in the foster care system;
25 and

26 (B) dedicate at least two-thirds of program

1 placements to the owners of clean energy contractor
2 businesses and nonprofits that satisfy the criteria in
3 paragraph (1) or who reside in eligible communities.
4 Among applicants who live in eligible communities,
5 preference shall be given to applicants who face
6 barriers to employment, such as low educational
7 attainment, prior involvement with the criminal legal
8 system, and language barriers; and applicants that are
9 graduates of or currently enrolled in the foster care
10 system; and

11 (2) prioritize the remaining program placements for:
12 applicants who are displaced energy workers as defined in
13 the Energy Community Reinvestment Act; persons who face
14 barriers to employment, including low educational
15 attainment, prior involvement with the criminal legal
16 system, and language barriers; and applicants who are
17 graduates of or currently enrolled in the foster care
18 system, regardless of the applicants' area of residence.

19 Consideration shall also be given to any current or past
20 participant in the Clean Jobs Workforce Network Program,
21 Illinois Climate Works Preapprenticeship Program, or Returning
22 Residents Clean Energy Jobs Training Program.

23 The Department and Regional Administrators shall protect
24 the confidentiality of any personal information provided by
25 program applicants regarding the applicant's status as a
26 formerly incarcerated person or foster care recipient;

1 however, the Department or Regional Administrators may publish
2 aggregated data on the number of participants that were
3 formerly incarcerated or foster care recipients so long as
4 that publication protects the identities of those persons.

5 Any person who applies to the program may elect not to
6 share with the Department or Regional Administrators whether
7 he or she is a graduate or currently enrolled in the foster
8 care system or was formerly convicted.

9 (d) Program elements at each Hub Site shall be provided by
10 a local community-based organization. The Department shall
11 initially select a community-based organization in each Hub
12 Site and shall subsequently select a community-based
13 organization in each Hub Site every 3 years. Community-based
14 organizations delivering program elements outlined in
15 subsection (e) may provide all elements required or may
16 subcontract to other entities for provision of portions of
17 program elements, including, but not limited to,
18 administrative soft and hard skills for program participants,
19 delivery of specific training in the core curriculum, or
20 provision of other support functions for program delivery
21 compliance.

22 (e) The Clean Energy Contractor Incubator Program shall:

23 (1) provide access to low-cost capital for small clean
24 energy businesses and contractors;

25 (2) provide support for obtaining financial assurance,
26 including, but not limited to: bonding; back office

1 services; insurance, permits, training and certifications;
2 business planning; and low-interest loans;

3 (3) train, mentor, and provide other support needed to
4 allow participant contractors to: (i) build their
5 businesses and connect to specific projects, (ii) register
6 as approved vendors, (iii) engage in approved vendor
7 subcontracting and qualified installer opportunities, (iv)
8 develop partnering and networking skills, (v) compete for
9 capital and other resources, and (vi) execute clean
10 energy-related project installations and subcontracts;

11 (4) ensure that participant contractors, community
12 partners, and potential contractor clients are aware of
13 and engaged in the Program;

14 (5) provide prevailing wage compliance training and
15 back office support to implement prevailing wage
16 practices; and

17 (6) provide recruitment and ongoing engagement with
18 entities that hire contractors and subcontractors,
19 programs providing renewable energy resource-related
20 projects, incentive programs, and approved vendor and
21 qualified installer opportunities, including, but not
22 limited to, activities such as matchmaking, events, and
23 collaborating with other Hub Sites.

24 (f) Funding for the Program is subject to appropriation
25 from the Energy Transition Assistance Fund.

26 (g) The Department shall require submission of quarterly

1 reports including program performance metrics by each Hub Site
2 to the Regional Administrator of their Program Delivery Area.
3 Program performance metrics include, but are not limited to:

4 (1) demographic data including: race, gender,
5 geographic location, R3 residency, Environmental Justice
6 Community residency, foster care system participation, and
7 justice-involvement for the owners of contractors
8 applying, accepted into, and graduating from the Program;

9 (2) the number of projects completed by participant
10 contractors, alone or in partnership, by race, gender,
11 geographic location, R3 residency, Environmental Justice
12 Community residency, foster care system participation, and
13 justice-involvement for the owners of contractors;

14 (3) the number of partnerships with participant
15 contractors that are expected to result in contracts for
16 work by the participant contractor, by race, gender,
17 geographic location, R3 residency, Environmental Justice
18 Community residency, foster care system participation, and
19 justice-involvement for the owners of contractors;

20 (4) changes in participant contractors' business
21 revenue, by race, gender, geographic location, R3
22 residency, Environmental Justice Community residency,
23 foster care system participation, and justice-involvement
24 for the owners of contractors;

25 (5) the number of new hires by participant
26 contractors, by race, gender, geographic location, R3

1 residency, Environmental Justice Community residency,
2 foster care system participation, and justice-involvement;

3 (6) demographic data, including race, gender,
4 geographic location, R3 residency, Environmental Justice
5 Community residency, foster care system participation, and
6 justice-involvement, and average wage data, for new hires
7 by participant contractors;

8 (7) certifications held by participant contractors,
9 and number of participants holding each certification,
10 including, but not limited to, registration under the
11 Business Enterprise for Minorities, Women, and Persons
12 with Disabilities Act program and other programs intended
13 to certify BIPOC entities;

14 (8) the number of Program sessions attended by
15 participant contractors, aggregated by race; and

16 (9) indicators relevant for assessing the general
17 financial health of participant contractors.

18 (h) Within 3 years after the effective date of this Act,
19 the Department shall select an independent evaluator to review
20 and prepare a report on the performance of the Program and
21 Regional Administrators. The report shall be posted publicly.

22 Section 5-50. Returning Residents Clean Jobs Training
23 Program.

24 (a) Subject to appropriation, the Department shall develop
25 and, in coordination with the Department of Corrections,

1 administer the Returning Residents Clean Jobs Training
2 Program.

3 (b) As used in this Section:

4 "Commitment" means a judicially determined placement in
5 the custody of the Department of Corrections on the basis of a
6 conviction.

7 "Committed person" means a person committed to the
8 Department of Corrections.

9 "Community-based organization" means an organization that:

10 (1) provides employment, skill development, or related
11 services to members of the community;

12 (2) includes community colleges, nonprofits, and local
13 governments; and

14 (3) has a history of serving inmates or formerly
15 convicted persons.

16 "Correctional institution or facility" means a Department
17 of Corrections building or part of a Department of Corrections
18 building where committed persons are detained in a secure
19 manner.

20 "Department" means the Department of Corrections.

21 "Discharge" means the end of a sentence or the final
22 termination of a detainee's physical commitment to and
23 confinement in the Department of Corrections.

24 "Program" means the Returning Residents Clean Jobs
25 Training Program.

26 "Program Administrator" means, for each Program Delivery

1 Area, the administrator selected by the Department pursuant to
2 paragraph (1) of subsection (g) of this Section.

3 "Returning resident" means any United States resident who
4 is: (i) 17 years of age or older; (ii) in the physical custody
5 of the Department of Corrections; and (iii) scheduled to be
6 re-entering society within 36 months.

7 (c) Returning Residents Clean Jobs Training Program.

8 (1) Connected services. The Program shall prepare
9 graduates to work in the solar power and energy efficiency
10 industries.

11 (2) Recruitment of participants. The Program
12 Administrators shall, in coordination with the Department
13 of Corrections, educate committed persons in both men's
14 and women's correctional institutions and facilities on
15 the benefits of the Program and how to enroll in the
16 Program.

17 (3) Connection to employers. The Program
18 Administrators shall, with assistance from the Regional
19 Administrators, connect Program graduates with potential
20 employers in the solar power and energy efficiency and
21 related industries.

22 (4) Graduation. Participants who successfully complete
23 all assignments in the Program shall receive a Program
24 graduation certificate and any certifications earned in
25 the process.

26 (5) Eligibility. A committed person in a correctional

1 institution or facility is eligible if the committed
2 person:

3 (i) is within 36 months of expected release;

4 (ii) consented in writing to participation in the
5 Program;

6 (iii) meets all Program and testing requirements;

7 (iv) is willing to follow all Program
8 requirements; and

9 (v) does not pose a safety and security risk for
10 the facility or any person.

11 The Department of Corrections shall have sole discretion
12 to determine whether a committed person's participation in the
13 Program poses a safety and security risk for the facility or
14 any person. The Department of Corrections shall determine
15 whether a committed person is eligible to participate in the
16 Program.

17 (d) Program entry and testing requirements. To enter the
18 Returning Residents Clean Jobs Training Program, committed
19 persons must complete a simple application, undergo an
20 interview and coaching session, and must score a minimum of a
21 6.0 or above on the Test for Adult Basic Education. The
22 Returning Residents Clean Jobs Training Program shall include
23 a one-week pre-program orientation that ensures the candidates
24 understand and are interested in continuing the Program.
25 Candidates that successfully complete the orientation may
26 continue to the full Program.

1 (d-5) Once approved for the new program, candidates must
2 receive essential employability skills training as part of
3 vocational or occupational training. Training must lead to
4 certifications or credentials that prepare candidates for
5 employment.

6 (e) Removal from the Program. The Department of
7 Corrections may remove a committed person enrolled in the
8 Program for violation of institutional rules; failure to
9 participate or meet expectations of the Program; failure of a
10 drug test; disruptive behavior; or for reasons of safety,
11 security, and order of the facility.

12 (f) Drug testing. A clean drug test is required to
13 complete the Returning Residents Clean Jobs Training Program.
14 A drug test shall be administered at least once prior to
15 graduation. The Department of Corrections shall be responsible
16 for the drug testing of applicants.

17 (g) Curriculum.

18 (1) The Department of Commerce and Economic
19 Opportunity shall design a curriculum for the Program that
20 is as similar as practical to the Clean Jobs Curriculum
21 and meets in-facility requirements. The curriculum shall
22 focus on preparing graduates for employment in the solar
23 power and energy efficiency industries. The Program shall
24 include structured hands-on activities in correctional
25 institutions or facilities, including classroom spaces and
26 outdoor spaces, to instruct participants in the core

1 curriculum established in this Act. The Department shall
2 consult with the Department of Corrections to ensure all
3 curriculum elements may be available within Department of
4 Corrections facilities.

5 (2) The Program Administrators shall collaborate to
6 create and publish a guidebook that allows for the
7 implementation of the curriculum and provides information
8 on all necessary and useful resources for Program
9 participants and graduates.

10 (h) Program administration.

11 (1) The Department of Commerce and Economic
12 Opportunity shall establish and hire a Program
13 Administrator for each Program Delivery Area to administer
14 and coordinate the Program. The Program Administrators
15 shall have strong capabilities, experience, and knowledge
16 related to program development and economic management;
17 cultural and language competency needed to be effective in
18 the communities to be served; expertise in working in and
19 with equity investment eligible communities; knowledge and
20 experience in working with providers of clean energy jobs;
21 and awareness of solar power and energy efficiency
22 industry trends and activities, workforce development best
23 practices, regional workforce development needs, and
24 community development. The Program Administrators shall
25 demonstrate a track record of strong partnerships with
26 community-based organizations.

1 The Program Administrator must pass a background check
2 administered by the Department of Corrections and be
3 approved by the Department of Corrections to work within a
4 secure facility prior to being hired by the Department of
5 Commerce and Economic Opportunity for a Program delivery
6 area.

7 (2) The Program Administrators shall:

8 (i) coordinate with Regional Administrators and
9 the Clean Jobs Workforce Network Program to ensure
10 that execution, performance, partnerships, marketing,
11 and Program access across the State consistent with
12 respecting regional differences;

13 (ii) work with community-based organizations
14 approved to provide industry-recognized credentials or
15 education institutions to deliver the Program;

16 (iii) collaborate to create and publish an
17 employer "Hiring Returning Residents" handbook that
18 includes benefits and expectations of hiring returning
19 residents, guidance on how to recruit, hire, and
20 retain returning residents, guidance on how to access
21 State and federal tax credits and incentives and State
22 and federal resources, guidance on how to update
23 company policies to support hiring and supporting
24 returning residents, and an understanding of the harm
25 in one-size-fits-all policies toward returning
26 residents. The handbook shall be updated every 5 years

1 or more frequently if needed to ensure that its
2 contents are accurate. The handbook shall be made
3 available on the Department's website;

4 (iv) work with potential employers to promote
5 company policies to support hiring and supporting
6 returning residents via employee/employer liability,
7 coverage, insurance, bonding, training, hiring
8 practices, and retention support;

9 (v) provide services such as job coaching and
10 financial coaching to Program graduates to support
11 employment longevity; and

12 (vi) identify clean energy job opportunities and
13 assist participants in achieving employment. The
14 Program shall include at least one job fair; include
15 job placement discussions with clean energy employers;
16 establish a partnership with Illinois solar energy
17 businesses and trade associations to identify solar
18 employers that support and hire returning residents;
19 and involve the Department of Commerce and Economic
20 Opportunity, Regional Administrators, and the Advisory
21 Council in finding employment for participants and
22 graduates in the clean energy and related sector
23 industries.

24 (3) The Department shall select community-based
25 organizations to provide Program elements at each
26 facility. Community-based organizations shall be

1 competitively selected by the Department of Commerce and
2 Economic Opportunity. Community-based organizations
3 delivering the Program elements outlined may provide all
4 elements required or may subcontract to other entities for
5 the provision of portions of Program elements. All
6 contractors who have regular interactions with committed
7 persons, regularly access a Department of Corrections
8 facility, or regularly access a committed person's
9 personal identifying information or other data elements
10 must pass a Department of Corrections background check
11 prior to being approved to administer the Program elements
12 at a facility.

13 (4) The Department shall aim to include training in
14 conjunction with other pre-release procedures and
15 movements. Delays in a workshop being provided shall not
16 cause delays in discharge.

17 (5) The Program Administrators may establish shortened
18 Returning Resident Clean Jobs Training Programs to prepare
19 and place graduates in the Clean Jobs Workforce Network
20 Program or the Illinois Climate Works Preapprenticeship
21 Program following the graduate's release from commitment.
22 Any graduate of these programs must be guaranteed
23 placement in a Clean Jobs Workforce Hubs training program
24 or the Illinois Climate Works Preapprenticeship Program.

25 (6) The Director of Corrections shall:

26 (i) Ensure that the wardens or superintendents of

1 all correctional institutions and facilities visibly
2 post information on the Program in an accessible
3 manner for committed individuals.

4 (ii) Identify the institutions and facilities
5 within the Department of Corrections that will offer
6 the Program. The determination of which facility will
7 offer the Program shall be based on available
8 programming space, staffing, population, facility
9 mission, security concerns, and any other relevant
10 factor in determining suitable locations for the
11 Program.

12 (i) Performance metrics.

13 (1) The Program Administrators shall collect data to
14 evaluate and ensure Program and participant success,
15 including:

16 (i) the number of returning residents who enrolled
17 in the Program;

18 (ii) the number of returning residents who
19 completed the Program;

20 (iii) the total number of individuals discharged;

21 (iv) the demographics of each entering and
22 graduating class;

23 (v) the percentage of graduates employed at 6 and
24 12 months after release;

25 (vi) the recidivism rate of Program participants
26 at 3 and 5 years after release;

1 (vii) the candidates interviewed and hiring
2 status;

3 (viii) the graduate employment status, such as
4 hire date, pay rates, whether full-time, part-time, or
5 seasonal, and separation date; and

6 (ix) continuing education and certifications
7 gained by Program graduates.

8 (2) The Department of Commerce and Economic
9 Opportunity shall publish an annual report containing
10 these performance metrics. Data may be disaggregated by
11 institution, discharge, or residence address of resident,
12 and other factors.

13 (j) Funding. Funding for the Program is subject to
14 appropriation from the Energy Transition Assistance Fund.
15 Funding may be made available from other lawful sources,
16 including donations, grants, and federal incentives.

17 (k) Access. The Program instructors and staff must pass a
18 background check administered by the Department of Corrections
19 prior to entering a Department of Corrections institution or
20 facility. The Warden or Superintendent shall have the
21 authority to deny a Program instructor or staff member entry
22 into an institution or facility for safety and security
23 concerns or failure to follow all facility procedures or
24 protocols. A Program instructor or staff member administering
25 the Program may be terminated or have his or her contract
26 canceled if the Program instructor or staff member is denied

1 entry into an institution or facility for safety and security
2 concerns.

3 Section 5-55. Clean Energy Primes Contractor Accelerator
4 Program.

5 (a) As used in this Section:

6 "Approved vendor" means the definition of that term used
7 and as may be updated by the Illinois Power Agency.

8 "Minority business" means a minority-owned business as
9 defined in Section 2 of the Business Enterprise for
10 Minorities, Women, and Persons with Disabilities Act.

11 "Minority Business Enterprise certification" means the
12 certification or recognition certification affidavit from the
13 State of Illinois Department of Central Management Services
14 Business Enterprise Program or a program with equivalent
15 requirements.

16 "Program" means the Clean Energy Primes Contractor
17 Accelerator Program.

18 "Returning resident" has the meaning given to that term in
19 Section 5-50 of this Act.

20 (b) Subject to appropriation, the Department shall
21 develop, and through a Primes Program Administrator and
22 Regional Primes Program Leads described in this Section,
23 administer the Clean Energy Primes Contractor Accelerator
24 Program. The Program shall be administered in 3 program
25 delivery areas: the Northern Illinois Program Delivery Area

1 covering Northern Illinois, the Central Illinois Program
2 Delivery Area covering Central Illinois, and the Southern
3 Illinois Program Delivery Area covering Southern Illinois.
4 Prior to developing the Program, the Department shall solicit
5 public comments, with a 30-day comment period, to gather input
6 on Program implementation and associated community outreach
7 options.

8 (c) The Program shall be available to selected contractors
9 who best meet the following criteria:

10 (1) 2 or more years of experience in a clean energy or
11 a related contracting field;

12 (2) at least \$5,000 in annual business; and

13 (3) a substantial and demonstrated commitment of
14 investing in and partnering with individuals and
15 institutions in equity investment eligible communities.

16 (c-5) The Department shall develop scoring criteria to
17 select contractors for the Program, which shall consider:

18 (1) projected hiring and industry job creation,
19 including wage and benefit expectations;

20 (2) a clear vision of strategic business growth and
21 how increased capitalization would benefit the business;

22 (3) past project work quality and demonstration of
23 technical knowledge;

24 (4) capacity the applicant is anticipated to bring to
25 project development;

26 (5) willingness to assume risk;

1 (6) anticipated revenues from future projects;

2 (7) history of commitment to advancing equity as
3 demonstrated by, among other things, employment of or
4 ownership by equity investment eligible persons and a
5 history of partnership with equity focused community
6 organizations or government programs; and

7 (8) business models that build wealth in the larger
8 underserved community.

9 Applicants for Program participation shall be allowed to
10 reapply for a future cohort if they are not selected, and the
11 Primes Program Administrator shall inform each applicant of
12 this option.

13 (d) The Department, in consultation with the Primes
14 Program Administrator and Regional Primes Program Leads, shall
15 select a new cohort of participant contractors from each
16 Program Delivery Area every 18 months. Each regional cohort
17 shall include between 3 and 5 participants. The Program shall
18 cap contractors in the energy efficiency sector at 50% of
19 available cohort spots and 50% of available grants and loans,
20 if possible.

21 (e) The Department shall hire a Primes Program
22 Administrator with experience in leading a large
23 contractor-based business in Illinois; coaching and mentoring;
24 the Illinois clean energy industry; and working with equity
25 investment eligible community members, organizations, and
26 businesses.

1 (f) The Department shall select 3 Regional Primes Program
2 Leads who shall report directly to the Primes Program
3 Administrator. The Regional Primes Program Leads shall be
4 located within their Program Delivery Area and have experience
5 in leading a large contractor-based business in Illinois;
6 coaching and mentoring; the Illinois clean energy industry;
7 developing relationships with companies in the Program
8 Delivery Area; and working with equity investment eligible
9 community members, organizations, and businesses.

10 (g) The Department may determine how Program elements will
11 be delivered or may contract with organizations with
12 experience delivering the Program elements described in
13 subsection (h) of this Section.

14 (h) The Clean Energy Primes Contractor Accelerator Program
15 shall provide participants with:

16 (1) a 5-year, 6-month progressive course of one-on-one
17 coaching to assist each participant in developing an
18 achievable 5-year business plan, including review of
19 monthly metrics, and advice on achieving participant's
20 goals;

21 (2) operational support grants not to exceed
22 \$1,000,000 annually to support the growth of participant
23 contractors with access to capital for upfront project
24 costs and pre-development funding, among others. The
25 amount of the grant shall be based on anticipated project
26 size and scope;

1 (3) business coaching based on the participant's
2 needs;

3 (4) a mentorship of approximately 2 years provided by
4 a qualified company in the participant's field;

5 (5) access to Clean Energy Contractor Incubator
6 Program services;

7 (6) assistance with applying for Minority Business
8 Enterprise certification and other relevant certifications
9 and approved vendor status for programs offered by
10 utilities or other entities;

11 (7) assistance with preparing bids and Request for
12 Proposal applications;

13 (8) opportunities to be listed in any relevant
14 directories and databases organized by the Department of
15 Central Management Services;

16 (9) opportunities to connect with participants in
17 other Department programs;

18 (10) assistance connecting with and initiating
19 participation in the Illinois Power Agency's Adjustable
20 Block program, the Illinois Solar for All Program, and
21 utility programs; and

22 (11) financial development assistance programs such as
23 zero-interest and low-interest loans with the Climate Bank
24 as established by Article 850 of the Illinois Finance
25 Authority Act or a comparable financing mechanism. The
26 Illinois Finance Authority shall retain authority to

1 determine loan repayment terms and conditions.

2 (i) The Primes Program Administrator shall:

3 (1) collect and report performance metrics as
4 described in this Section;

5 (2) review and assess:

6 (i) participant work plans and annual goals; and

7 (ii) the mentorship program, including approved
8 mentor companies and their stipend awards; and

9 (3) work with the Regional Primes Program Leads to
10 publicize the Program; design and implement a mentorship
11 program; and ensure participants are quickly on-boarded.

12 (j) The Regional Primes Program Leads shall:

13 (1) publicize the Program; the budget shall include
14 funds to pay community-based organizations with a track
15 record of working with equity investment eligible
16 communities to complete this work;

17 (2) recruit qualified Program applicants;

18 (3) assist Program applicants with the application
19 process;

20 (4) introduce participants to the Program offerings;

21 (5) conduct entry and annual assessments with
22 participants to identify training, coaching, and other
23 Program service needs;

24 (6) assist participants in developing goals on entry
25 and annually, and assessing progress toward meeting the
26 goals;

1 (7) establish a metric reporting system with each
2 participant and track the metrics for progress against the
3 contractor's work plan and Program goals;

4 (8) assist participants in receiving their Minority
5 Business Enterprise certification and any other relevant
6 certifications and approved vendor statuses;

7 (9) match participants with Clean Energy Contractor
8 Incubator Program offerings and individualized expert
9 coaching, including training on working with returning
10 residents and companies that employ them;

11 (10) pair participants with a mentor company;

12 (11) facilitate connections between participants and
13 potential subcontractors and employees;

14 (12) dispense a participant's awarded operational
15 grant funding;

16 (13) connect participants to zero-interest and
17 low-interest loans from the Climate Bank as established by
18 Article 850 of the Illinois Finance Authority Act or a
19 comparable financing mechanism;

20 (14) encourage participants to apply for appropriate
21 State and private business opportunities;

22 (15) review a participant's progress and make a
23 recommendation to the Department about whether the
24 participant should continue in the Program, be considered
25 a Program graduate, and whether adjustments should be made
26 to a participant's grant funding, loans, and related

1 services;

2 (16) solicit information from participants, which
3 participants shall be required to provide, necessary to
4 understand the participant's business, including financial
5 and income information, certifications that the
6 participant is seeking to obtain, and ownership, employee,
7 and subcontractor data, including compensation, length of
8 service, and demographics; and

9 (17) other duties as required.

10 (k) Performance metrics. The Primes Program Administrator
11 and Regional Primes Program Leads shall collaborate to collect
12 and report the following metrics quarterly to the Department
13 and Advisory Council:

14 (1) demographic information on cohort recruiting and
15 formation, including racial, gender, geographic
16 distribution data, and data on the number and percentage
17 of R3 residents, environmental justice community
18 residents, foster care alumni, and formerly convicted
19 persons who are cohort applicants and admitted
20 participants;

21 (2) participant contractor engagement in other
22 Illinois clean energy programs such as the Adjustable
23 Block program, Illinois Solar for All Program, and the
24 utility-run energy efficiency and electric vehicle
25 programs;

26 (3) retention of participants in each cohort;

1 (4) total projects bid, started, and completed by
2 participants, including information about revenue, hiring,
3 and subcontractor relationships with projects;

4 (5) certifications issued;

5 (6) employment data for contractor hires and industry
6 jobs created, including demographic, salary, length of
7 service, and geographic data;

8 (7) grants and loans distributed; and

9 (8) participant satisfaction with the Program.

10 The metrics in paragraphs (2), (4), and (6) shall be
11 collected from Program participants and graduates for 10 years
12 from their entrance into the Program to help the Department
13 and Program Administrators understand the Program's long-term
14 effect.

15 Data should be anonymized where needed to protect
16 participant privacy.

17 The Department shall make such reports publicly available
18 on its website.

19 (1) Mentorship Program.

20 (1) The Regional Primes Program Leads shall recruit,
21 and the Primes Program Administrator shall select, with
22 approval from the Department, private companies with the
23 following qualifications to mentor participants and assist
24 them in succeeding in the clean energy industry:

25 (i) excellent standing with state clean energy
26 programs;

1 (ii) 4 or more years of experience in their field;

2 and

3 (iii) a proven track record of success in their
4 field.

5 (2) Mentor companies may receive a stipend, determined
6 by the Department, for their participation. Mentor
7 companies may identify what level of stipend they require.

8 (3) The Primes Program Administrator shall develop
9 guidelines for mentor company-mentee profit sharing or
10 purchased services agreements.

11 (4) The Regional Primes Program Leads shall:

12 (i) collaborate with mentor companies and
13 participants to create a plan for ongoing contact such
14 as on-the-job training, site walkthroughs, business
15 process and structure walkthroughs, quality assurance
16 and quality control reviews, and other relevant
17 activities;

18 (ii) recommend the mentor company-mentee pairings
19 and associated mentor company stipends for approval;

20 (iii) conduct an annual review of each mentor
21 company-mentee pairing and recommend whether the
22 pairing continues for a second year and the level of
23 stipend that is appropriate. The review shall also
24 ensure that any profit sharing and purchased services
25 agreements adhere to the guidelines established by the
26 Primes Program Administrator.

1 (5) Contractors may request reassignment to a new
2 mentor company.

3 (m) Disparity study. The Program Administrator shall
4 cooperate with the Illinois Power Agency in the conduct of a
5 disparity study, as described in subsection (c-15) of Section
6 1-75 of the Illinois Power Agency Act, and in the effectuation
7 of appropriate remedies necessary to address any
8 discrimination that such study may find. Potential remedies
9 shall include, but not be limited to, race-conscious remedies
10 to rapidly eliminate discrimination faced by minority
11 businesses and works in the industry this Program serves,
12 consistent with the law. Remedies shall be developed through
13 consultation with individuals, companies, and organizations
14 that have expertise on discrimination faced in the market and
15 potential legally permissible remedies for addressing it.
16 Notwithstanding any other requirement of this Section, the
17 Program Administrator shall modify program participation
18 criteria or goals as soon as the report has been published, in
19 such a way as is consistent with state and federal law, to
20 rapidly eliminate discrimination on minority businesses and
21 workers in the industry this Program serves by setting
22 standards for Program participation. This study will be paid
23 for with funds from the Energy Transition Assistance Fund or
24 any other lawful source.

25 (n) Program budget.

26 (1) The Department may allocate up to \$3,000,000

1 annually to the Primes Program Administrator for each of
2 the 3 regional budgets from the Energy Transition
3 Assistance Fund.

4 (2) The Primes Program Administrator shall work with
5 the Illinois Finance Authority and the Climate Bank as
6 established by Article 850 of the Illinois Finance
7 Authority Act or comparable financing institution so that
8 loan loss reserves may be sufficient to underwrite
9 \$7,000,000 in low-interest loans in each of the 3 Program
10 delivery areas.

11 (3) Any grant and loan funding shall be made available
12 to participants in a timely fashion.

13 Section 5-60. Jobs and Environmental Justice Grant
14 Program.

15 (a) In order to provide upfront capital to support the
16 development of projects, businesses, community organizations,
17 and jobs creating opportunity for historically disadvantaged
18 populations, and to provide seed capital to support community
19 ownership of renewable energy projects, the Department of
20 Commerce and Economic Opportunity shall create and administer
21 a Jobs and Environmental Justice Grant Program. The grant
22 program shall be designed to help remove barriers to project,
23 community, and business development caused by a lack of
24 capital.

25 (b) The grant program shall provide grant awards of up to

1 \$1,000,000 per application to support the development of
2 renewable energy resources as defined in Section 1-10 of the
3 Illinois Power Agency Act, and energy efficiency measures as
4 defined in Section 8-103B of the Public Utilities Act. The
5 amount of a grant award shall be based on a project's size and
6 scope. Grants shall be provided upfront, in advance of other
7 incentives, to provide businesses, organizations, and
8 community groups with capital needed to plan, develop, and
9 execute a project. Grants shall be designed to coordinate with
10 and supplement existing incentive programs, such as the
11 Adjustable Block program, the Illinois Solar for All Program,
12 the community renewable generation projects, and renewable
13 energy procurements as described in the Illinois Power Agency
14 Act, as well as utility energy efficiency measures as
15 described in Section 8-103B of the Public Utilities Act.

16 (c) The Jobs and Environmental Justice Grant Program shall
17 include 2 subprograms:

18 (1) the Equitable Energy Future Grant Program; and

19 (2) the Community Solar Energy Sovereignty Grant
20 Program.

21 (d) The Equitable Energy Future Grant Program is designed
22 to provide seed funding and pre-development funding
23 opportunities for disadvantaged contractors and to projects
24 that earn Equitable Energy Future Certification under Section
25 1-75 of the Illinois Power Agency Act.

26 (1) The Equitable Energy Future Grant shall be awarded

1 to businesses and nonprofit organizations for costs
2 related to the following activities and project needs:

3 (i) planning and project development, including
4 costs for professional services such as architecture,
5 design, engineering, auditing, consulting, and
6 developer services;

7 (ii) project application, deposit, and approval;

8 (iii) purchasing and leasing of land;

9 (iv) permitting and zoning;

10 (v) interconnection application costs and fees,
11 studies, and expenses;

12 (vi) equipment and supplies;

13 (vii) community outreach, marketing, and
14 engagement; and

15 (viii) staff and operations expenses.

16 (2) Grants shall be awarded to projects that most
17 effectively provide opportunities for equity eligible
18 contractors and equity investment eligible communities,
19 and should consider the following criteria:

20 (i) projects that provide community benefits,
21 which are projects that have one or more of the
22 following characteristics: (A) greater than 50% of the
23 project's energy provided or saved benefits low-income
24 residents, or (B) the project benefits not-for-profit
25 organizations providing services to low-income
26 households, affordable housing owners, or

1 community-based limited liability companies providing
2 services to low-income households;

3 (ii) projects that are located in equity
4 investment eligible communities;

5 (iii) projects that provide on-the-job training;

6 (iv) projects that contract with contractors who
7 are participating or have participated in the Clean
8 Energy Contractor Incubator Program, Clean Energy
9 Primes Contractor Accelerator Program, or similar
10 programs; and

11 (v) projects employ a minimum of 51% of its
12 workforce from participants and graduates of the Clean
13 Jobs Workforce Network Program, Illinois Climate Works
14 Preapprenticeship Program, and Returning Residents
15 Clean Jobs Training Program.

16 (3) Grants shall be awarded to applicants that meet
17 the following criteria:

18 (i) earn Equitable Energy Future Certification per
19 the equity accountability systems described in
20 subsection (c-10) of Section 1-75 of the Illinois
21 Power Agency Act, or meet the equity building criteria
22 in paragraph (9.5) of subsection (g) of Section 8-103B
23 of the Public Utilities Act; and

24 (ii) provide demonstrable proof of a historical or
25 future, and persisting, long-term partnership with the
26 community in which the project will be located.

1 (e) The Community Solar Energy Sovereignty Grant Program
2 shall be designed to support the pre-development and
3 development of community solar projects that promote community
4 ownership and energy sovereignty.

5 (1) Grants shall be awarded to applicants that best
6 demonstrate the ability and intent to create community
7 ownership and other local community benefits, including
8 local community wealth building via community renewable
9 generation projects. Grants shall be prioritized to
10 applicants for whom:

11 (i) the proposed project is located in and
12 supporting an equity investment eligible community or
13 communities; and

14 (ii) the proposed project provides additional
15 benefits for participating low-income households.

16 (2) Grant funds shall be awarded to support project
17 pre-development work and may also be awarded to support
18 the development of programs and entities to assist in the
19 long-term governance, management, and maintenance of
20 community solar projects, such as community solar
21 cooperatives. For example, funds may be awarded for:

22 (i) early stage project planning;

23 (ii) project team organization;

24 (iii) site identification;

25 (iv) organizing a project business model and
26 securing financing;

- 1 (v) procurement and contracting;
- 2 (vi) customer outreach and enrollment;
- 3 (vii) preliminary site assessments;
- 4 (viii) development of cooperative or community
- 5 ownership model; and
- 6 (ix) development of project models that allocate
- 7 benefits to equity investment eligible communities.

8 (3) Grant recipients shall submit reports to the

9 Department at the end of the grant term on the activities

10 pursued under their grant and any lessons learned for

11 publication on the Department's website so that other

12 energy sovereignty projects may learn from their

13 experience.

14 (4) Eligible applicants shall include community-based

15 organizations, as defined in the Illinois Power Agency's

16 long-term renewable resources procurement plan, or

17 technical service providers working in direct partnership

18 with community-based organizations.

19 (5) The amount of a grant shall be based on a projects'

20 size and scope. Grants shall allow for a significant

21 portion, or the entirety, of the grant value to be made

22 upfront, in advance of other incentives, to ensure

23 businesses and organizations have the capital needed to

24 plan, develop, and execute a project.

25 (f) The application process for both subprograms shall not

26 be burdensome on applicants, nor require extensive technical

1 knowledge, and shall be able to be completed on less than 4
2 standard letter-sized pages.

3 (g) The Program shall coordinate its grant subprograms
4 with the Clean Energy Jobs and Justice Fund to coordinate
5 grants under this Program with low-interest and no-interest
6 financing opportunities offered by the fund.

7 (h) The grant subprograms may have a budget of up to
8 \$34,000,000 per year. No more than 25% of the allocated budget
9 shall go to the Community Solar Energy Sovereignty Grant
10 Program.

11 Section 5-65. Energy Workforce Advisory Council.

12 (a) The Energy Workforce Advisory Council is hereby
13 created within the Department.

14 (b) The Council shall consist of the following voting
15 members appointed by the Governor with the advice and consent
16 of the Senate, chosen to ensure diverse geographic
17 representation:

18 (1) two members representing trade associations
19 representing companies active in the clean energy
20 industries;

21 (2) two members representing a labor union;

22 (3) one member who has participated in the workforce
23 development programs created under this Act;

24 (4) two members representing higher education;

25 (5) two members representing economic development

1 organizations;

2 (6) two members representing local workforce
3 innovation boards;

4 (7) two residents of environmental justice
5 communities;

6 (8) three members from community-based organizations
7 in environmental justice communities and community-based
8 organizations serving low-income persons and families;

9 (9) two members who are policy or implementation
10 experts on small business development, contractor
11 incubation, or small business lending and financing needs;

12 (10) two members who are policy or implementation
13 experts on workforce development for populations and
14 individuals such as low-income persons and families,
15 environmental justice communities, BIPOC communities,
16 formerly convicted persons, persons who are or were in the
17 child welfare system, energy workers, gender nonconforming
18 and transgender individuals, and youth; and

19 (11) two representatives of clean energy businesses,
20 nonprofit organizations, or other groups that provide
21 clean energy.

22 The President of the Senate, the Minority Leader of the
23 Senate, the Speaker of the House of Representatives, and the
24 Minority Leader of the House of Representatives shall each
25 appoint 2 nonvoting members of the Council.

26 (c) The Council shall:

1 (1) coordinate and inform on worker and contractor
2 support priorities beyond current federal, State, local,
3 and private programs and resources;

4 (2) advise and produce recommendations for further
5 federal, State, and local programs and activities;

6 (3) fulfill other duties determined by the Council to
7 further the success of the Workforce Hubs, Incubators, and
8 Returning Residents Programs;

9 (4) review program performance metrics;

10 (5) provide recommendations to the Department on the
11 administration of the following programs:

12 (i) the Clean Jobs Workforce Network Program;

13 (ii) the Illinois Climate Works Preapprenticeship
14 Program;

15 (iii) the Clean Energy Contractor Incubator
16 Program;

17 (iv) the Returning Residents Clean Jobs Training
18 Program; and

19 (v) the Clean Energy Primes Contractor Accelerator
20 Program;

21 (6) recommend outreach opportunities to ensure that
22 program contracting, training, and other opportunities are
23 widely publicized;

24 (7) participate in independent program evaluations;
25 and

26 (8) assist the Department by providing insight into

1 how relevant State, local, and federal programs are viewed
2 by residents, businesses, and institutions within their
3 respective communities.

4 (d) The Council shall conduct its first meeting within 30
5 days after all members have been appointed. The Council shall
6 meet quarterly after its first meeting. Additional hearings
7 and public meetings are permitted at the discretion of the
8 members. The Council may meet in person or through video or
9 audio conference. Meeting times may be varied to accommodate
10 Council member schedules.

11 (e) Members shall serve without compensation and shall be
12 reimbursed for reasonable expenses incurred in the performance
13 of their duties from funds appropriated for that purpose.

14 Section 5-90. Repealer. This Act is repealed 24 years
15 after the effective date of this Act.

16 Section 5-95. The Illinois Finance Authority Act is
17 amended by changing Sections 801-1, 801-5, 801-10, and 801-40
18 and adding Article 850 as follows:

19 (20 ILCS 3501/801-1)

20 Sec. 801-1. Short Title. Articles 801 through 850 ~~845~~ of
21 this Act may be cited as the Illinois Finance Authority Act.
22 References to "this Act" in Articles 801 through 850 ~~845~~ are
23 references to the Illinois Finance Authority Act.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (20 ILCS 3501/801-5)

3 Sec. 801-5. Findings and declaration of policy. The
4 General Assembly hereby finds, determines and declares:

5 (a) that there are a number of existing State authorities
6 authorized to issue bonds to alleviate the conditions and
7 promote the objectives set forth below; and to provide a
8 stronger, better coordinated development effort, it is
9 determined to be in the interest of promoting the health,
10 safety, morals and general welfare of all the people of the
11 State to consolidate certain of such existing authorities into
12 one finance authority;

13 (b) that involuntary unemployment affects the health,
14 safety, morals and general welfare of the people of the State
15 of Illinois;

16 (c) that the economic burdens resulting from involuntary
17 unemployment fall in part upon the State in the form of public
18 assistance and reduced tax revenues, and in the event the
19 unemployed worker and his family migrate elsewhere to find
20 work, may also fall upon the municipalities and other taxing
21 districts within the areas of unemployment in the form of
22 reduced tax revenues, thereby endangering their financial
23 ability to support necessary governmental services for their
24 remaining inhabitants;

25 (d) that a vigorous growing economy is the basic source of

1 job opportunities;

2 (e) that protection against involuntary unemployment, its
3 economic burdens and the spread of economic stagnation can
4 best be provided by promoting, attracting, stimulating and
5 revitalizing industry, manufacturing and commerce in the
6 State;

7 (f) that the State has a responsibility to help create a
8 favorable climate for new and improved job opportunities for
9 its citizens by encouraging the development of commercial
10 businesses and industrial and manufacturing plants within the
11 State;

12 (g) that increased availability of funds for construction
13 of new facilities and the expansion and improvement of
14 existing facilities for industrial, commercial and
15 manufacturing facilities will provide for new and continued
16 employment in the construction industry and alleviate the
17 burden of unemployment;

18 (h) that in the absence of direct governmental subsidies
19 the unaided operations of private enterprise do not provide
20 sufficient resources for residential construction,
21 rehabilitation, rental or purchase, and that support from
22 housing related commercial facilities is one means of
23 stimulating residential construction, rehabilitation, rental
24 and purchase;

25 (i) that it is in the public interest and the policy of
26 this State to foster and promote by all reasonable means the

1 provision of adequate capital markets and facilities for
2 borrowing money by units of local government, and for the
3 financing of their respective public improvements and other
4 governmental purposes within the State from proceeds of bonds
5 or notes issued by those governmental units; and to assist
6 local governmental units in fulfilling their needs for those
7 purposes by use of creation of indebtedness;

8 (j) that it is in the public interest and the policy of
9 this State to the extent possible, to reduce the costs of
10 indebtedness to taxpayers and residents of this State and to
11 encourage continued investor interest in the purchase of bonds
12 or notes of governmental units as sound and preferred
13 securities for investment; and to encourage governmental units
14 to continue their independent undertakings of public
15 improvements and other governmental purposes and the financing
16 thereof, and to assist them in those activities by making
17 funds available at reduced interest costs for orderly
18 financing of those purposes, especially during periods of
19 restricted credit or money supply, and particularly for those
20 governmental units not otherwise able to borrow for those
21 purposes;

22 (k) that in this State the following conditions exist: (i)
23 an inadequate supply of funds at interest rates sufficiently
24 low to enable persons engaged in agriculture in this State to
25 pursue agricultural operations at present levels; (ii) that
26 such inability to pursue agricultural operations lessens the

1 supply of agricultural commodities available to fulfill the
2 needs of the citizens of this State; (iii) that such inability
3 to continue operations decreases available employment in the
4 agricultural sector of the State and results in unemployment
5 and its attendant problems; (iv) that such conditions prevent
6 the acquisition of an adequate capital stock of farm equipment
7 and machinery, much of which is manufactured in this State,
8 therefore impairing the productivity of agricultural land and,
9 further, causing unemployment or lack of appropriate increase
10 in employment in such manufacturing; (v) that such conditions
11 are conducive to consolidation of acreage of agricultural land
12 with fewer individuals living and farming on the traditional
13 family farm; (vi) that these conditions result in a loss in
14 population, unemployment and movement of persons from rural to
15 urban areas accompanied by added costs to communities for
16 creation of new public facilities and services; (vii) that
17 there have been recurrent shortages of funds for agricultural
18 purposes from private market sources at reasonable rates of
19 interest; (viii) that these shortages have made the sale and
20 purchase of agricultural land to family farmers a virtual
21 impossibility in many parts of the State; (ix) that the
22 ordinary operations of private enterprise have not in the past
23 corrected these conditions; and (x) that a stable supply of
24 adequate funds for agricultural financing is required to
25 encourage family farmers in an orderly and sustained manner
26 and to reduce the problems described above;

1 (1) that for the benefit of the people of the State of
2 Illinois, the conduct and increase of their commerce, the
3 protection and enhancement of their welfare, the development
4 of continued prosperity and the improvement of their health
5 and living conditions it is essential that all the people of
6 the State be given the fullest opportunity to learn and to
7 develop their intellectual and mental capacities and skills;
8 that to achieve these ends it is of the utmost importance that
9 private institutions of higher education within the State be
10 provided with appropriate additional means to assist the
11 people of the State in achieving the required levels of
12 learning and development of their intellectual and mental
13 capacities and skills and that cultural institutions within
14 the State be provided with appropriate additional means to
15 expand the services and resources which they offer for the
16 cultural, intellectual, scientific, educational and artistic
17 enrichment of the people of the State;

18 (m) that in order to foster civic and neighborhood pride,
19 citizens require access to facilities such as educational
20 institutions, recreation, parks and open spaces, entertainment
21 and sports, a reliable transportation network, cultural
22 facilities and theaters and other facilities as authorized by
23 this Act, and that it is in the best interests of the State to
24 lower the costs of all such facilities by providing financing
25 through the State;

26 (n) that to preserve and protect the health of the

1 citizens of the State, and lower the costs of health care, that
2 financing for health facilities should be provided through the
3 State; and it is hereby declared to be the policy of the State,
4 in the interest of promoting the health, safety, morals and
5 general welfare of all the people of the State, to address the
6 conditions noted above, to increase job opportunities and to
7 retain existing jobs in the State, by making available through
8 the Illinois Finance Authority, hereinafter created, funds for
9 the development, improvement and creation of industrial,
10 housing, local government, educational, health, public purpose
11 and other projects; to issue its bonds and notes to make funds
12 at reduced rates and on more favorable terms for borrowing by
13 local governmental units through the purchase of the bonds or
14 notes of the governmental units; and to make or acquire loans
15 for the acquisition and development of agricultural
16 facilities; to provide financing for private institutions of
17 higher education, cultural institutions, health facilities and
18 other facilities and projects as authorized by this Act; and
19 to grant broad powers to the Illinois Finance Authority to
20 accomplish and to carry out these policies of the State which
21 are in the public interest of the State and of its taxpayers
22 and residents;

23 (o) that providing financing alternatives for projects
24 that are located outside the State that are owned, operated,
25 leased, managed by, or otherwise affiliated with, institutions
26 located within the State would promote the economy of the

1 State for the benefit of the health, welfare, safety, trade,
2 commerce, industry, and economy of the people of the State by
3 creating employment opportunities in the State and lowering
4 the cost of accessing healthcare, private education, or
5 cultural institutions in the State by reducing the cost of
6 financing or operating those projects; ~~and~~

7 (p) that the realization of the objectives of the
8 Authority identified in this Act including, without
9 limitation, those designed (1) to assist and enable veterans,
10 minorities, women and disabled individuals to own and operate
11 small businesses; (2) to assist in the delivery of
12 agricultural assistance; and (3) to aid, assist, and encourage
13 economic growth and development within this State, will be
14 enhanced by empowering the Authority to purchase loan
15 participations from participating lenders;~~:-~~

16 (q) that climate change threatens the health, welfare, and
17 prosperity of all the residents of the State;

18 (r) combating climate change is necessary to preserve and
19 enhance the health, welfare, and prosperity of all the
20 residents of the State;

21 (s) that the promotion of the development and
22 implementation of clean energy is necessary to combat climate
23 change and is hereby declared to be the policy of the State;
24 and

25 (t) that designating the Authority as the "Climate Bank"
26 to aid in all respects with providing financial assistance,

1 programs, and products to finance and otherwise develop and
2 implement equitable clean energy opportunities in the State to
3 mitigate or adapt to the negative consequences of climate
4 change in an equitable manner will further the clean energy
5 policy of the State.

6 (Source: P.A. 100-919, eff. 8-17-18.)

7 (20 ILCS 3501/801-10)

8 Sec. 801-10. Definitions. The following terms, whenever
9 used or referred to in this Act, shall have the following
10 meanings, except in such instances where the context may
11 clearly indicate otherwise:

12 (a) The term "Authority" means the Illinois Finance
13 Authority created by this Act.

14 (b) The term "project" means an industrial project, clean
15 energy project, conservation project, housing project, public
16 purpose project, higher education project, health facility
17 project, cultural institution project, municipal bond program
18 project, PACE Project, agricultural facility or agribusiness,
19 and "project" may include any combination of one or more of the
20 foregoing undertaken jointly by any person with one or more
21 other persons.

22 (c) The term "public purpose project" means (i) any
23 project or facility, including without limitation land,
24 buildings, structures, machinery, equipment and all other real
25 and personal property, which is authorized or required by law

1 to be acquired, constructed, improved, rehabilitated,
2 reconstructed, replaced or maintained by any unit of
3 government or any other lawful public purpose, including
4 provision of working capital, which is authorized or required
5 by law to be undertaken by any unit of government or (ii) costs
6 incurred and other expenditures, including expenditures for
7 management, investment, or working capital costs, incurred in
8 connection with the reform, consolidation, or implementation
9 of the transition process as described in Articles 22B and 22C
10 of the Illinois Pension Code.

11 (d) The term "industrial project" means the acquisition,
12 construction, refurbishment, creation, development or
13 redevelopment of any facility, equipment, machinery, real
14 property or personal property for use by any instrumentality
15 of the State or its political subdivisions, for use by any
16 person or institution, public or private, for profit or not
17 for profit, or for use in any trade or business, including, but
18 not limited to, any industrial, manufacturing, clean energy,
19 or commercial enterprise that is located within or outside the
20 State, provided that, with respect to a project involving
21 property located outside the State, the property must be
22 owned, operated, leased or managed by an entity located within
23 the State or an entity affiliated with an entity located
24 within the State, and which is (1) a capital project or clean
25 energy project, including, but not limited to: (i) land and
26 any rights therein, one or more buildings, structures or other

1 improvements, machinery and equipment, whether now existing or
2 hereafter acquired, and whether or not located on the same
3 site or sites; (ii) all appurtenances and facilities
4 incidental to the foregoing, including, but not limited to,
5 utilities, access roads, railroad sidings, track, docking and
6 similar facilities, parking facilities, dockage, wharfage,
7 railroad roadbed, track, trestle, depot, terminal, switching
8 and signaling or related equipment, site preparation and
9 landscaping; and (iii) all non-capital costs and expenses
10 relating thereto or (2) any addition to, renovation,
11 rehabilitation or improvement of a capital project or a clean
12 energy project, or (3) any activity or undertaking within or
13 outside the State, provided that, with respect to a project
14 involving property located outside the State, the property
15 must be owned, operated, leased or managed by an entity
16 located within the State or an entity affiliated with an
17 entity located within the State, which the Authority
18 determines will aid, assist or encourage economic growth,
19 development or redevelopment within the State or any area
20 thereof, will promote the expansion, retention or
21 diversification of employment opportunities within the State
22 or any area thereof or will aid in stabilizing or developing
23 any industry or economic sector of the State economy. The term
24 "industrial project" also means the production of motion
25 pictures.

26 (e) The term "bond" or "bonds" shall include bonds, notes

1 (including bond, grant or revenue anticipation notes),
2 certificates and/or other evidences of indebtedness
3 representing an obligation to pay money, including refunding
4 bonds.

5 (f) The terms "lease agreement" and "loan agreement" shall
6 mean: (i) an agreement whereby a project acquired by the
7 Authority by purchase, gift or lease is leased to any person,
8 corporation or unit of local government which will use or
9 cause the project to be used as a project as heretofore defined
10 upon terms providing for lease rental payments at least
11 sufficient to pay when due all principal of, interest and
12 premium, if any, on any bonds of the Authority issued with
13 respect to such project, providing for the maintenance,
14 insuring and operation of the project on terms satisfactory to
15 the Authority, providing for disposition of the project upon
16 termination of the lease term, including purchase options or
17 abandonment of the premises, and such other terms as may be
18 deemed desirable by the Authority, or (ii) any agreement
19 pursuant to which the Authority agrees to loan the proceeds of
20 its bonds issued with respect to a project or other funds of
21 the Authority to any person which will use or cause the project
22 to be used as a project as heretofore defined upon terms
23 providing for loan repayment installments at least sufficient
24 to pay when due all principal of, interest and premium, if any,
25 on any bonds of the Authority, if any, issued with respect to
26 the project, and providing for maintenance, insurance and

1 other matters as may be deemed desirable by the Authority.

2 (g) The term "financial aid" means the expenditure of
3 Authority funds or funds provided by the Authority through the
4 issuance of its bonds, notes or other evidences of
5 indebtedness or from other sources for the development,
6 construction, acquisition or improvement of a project.

7 (h) The term "person" means an individual, corporation,
8 unit of government, business trust, estate, trust, partnership
9 or association, 2 or more persons having a joint or common
10 interest, or any other legal entity.

11 (i) The term "unit of government" means the federal
12 government, the State or unit of local government, a school
13 district, or any agency or instrumentality, office, officer,
14 department, division, bureau, commission, college or
15 university thereof.

16 (j) The term "health facility" means: (a) any public or
17 private institution, place, building, or agency required to be
18 licensed under the Hospital Licensing Act; (b) any public or
19 private institution, place, building, or agency required to be
20 licensed under the Nursing Home Care Act, the Specialized
21 Mental Health Rehabilitation Act of 2013, the ID/DD Community
22 Care Act, or the MC/DD Act; (c) any public or licensed private
23 hospital as defined in the Mental Health and Developmental
24 Disabilities Code; (d) any such facility exempted from such
25 licensure when the Director of Public Health attests that such
26 exempted facility meets the statutory definition of a facility

1 subject to licensure; (e) any other public or private health
2 service institution, place, building, or agency which the
3 Director of Public Health attests is subject to certification
4 by the Secretary, U.S. Department of Health and Human Services
5 under the Social Security Act, as now or hereafter amended, or
6 which the Director of Public Health attests is subject to
7 standard-setting by a recognized public or voluntary
8 accrediting or standard-setting agency; (f) any public or
9 private institution, place, building or agency engaged in
10 providing one or more supporting services to a health
11 facility; (g) any public or private institution, place,
12 building or agency engaged in providing training in the
13 healing arts, including, but not limited to, schools of
14 medicine, dentistry, osteopathy, optometry, podiatry, pharmacy
15 or nursing, schools for the training of x-ray, laboratory or
16 other health care technicians and schools for the training of
17 para-professionals in the health care field; (h) any public or
18 private congregate, life or extended care or elderly housing
19 facility or any public or private home for the aged or infirm,
20 including, without limitation, any Facility as defined in the
21 Life Care Facilities Act; (i) any public or private mental,
22 emotional or physical rehabilitation facility or any public or
23 private educational, counseling, or rehabilitation facility or
24 home, for those persons with a developmental disability, those
25 who are physically ill or disabled, the emotionally disturbed,
26 those persons with a mental illness or persons with learning

1 or similar disabilities or problems; (j) any public or private
2 alcohol, drug or substance abuse diagnosis, counseling
3 treatment or rehabilitation facility, (k) any public or
4 private institution, place, building or agency licensed by the
5 Department of Children and Family Services or which is not so
6 licensed but which the Director of Children and Family
7 Services attests provides child care, child welfare or other
8 services of the type provided by facilities subject to such
9 licensure; (l) any public or private adoption agency or
10 facility; and (m) any public or private blood bank or blood
11 center. "Health facility" also means a public or private
12 structure or structures suitable primarily for use as a
13 laboratory, laundry, nurses or interns residence or other
14 housing or hotel facility used in whole or in part for staff,
15 employees or students and their families, patients or
16 relatives of patients admitted for treatment or care in a
17 health facility, or persons conducting business with a health
18 facility, physician's facility, surgicenter, administration
19 building, research facility, maintenance, storage or utility
20 facility and all structures or facilities related to any of
21 the foregoing or required or useful for the operation of a
22 health facility, including parking or other facilities or
23 other supporting service structures required or useful for the
24 orderly conduct of such health facility. "Health facility"
25 also means, with respect to a project located outside the
26 State, any public or private institution, place, building, or

1 agency which provides services similar to those described
2 above, provided that such project is owned, operated, leased
3 or managed by a participating health institution located
4 within the State, or a participating health institution
5 affiliated with an entity located within the State.

6 (k) The term "participating health institution" means (i)
7 a private corporation or association or (ii) a public entity
8 of this State, in either case authorized by the laws of this
9 State or the applicable state to provide or operate a health
10 facility as defined in this Act and which, pursuant to the
11 provisions of this Act, undertakes the financing, construction
12 or acquisition of a project or undertakes the refunding or
13 refinancing of obligations, loans, indebtedness or advances as
14 provided in this Act.

15 (l) The term "health facility project", means a specific
16 health facility work or improvement to be financed or
17 refinanced (including without limitation through reimbursement
18 of prior expenditures), acquired, constructed, enlarged,
19 remodeled, renovated, improved, furnished, or equipped, with
20 funds provided in whole or in part hereunder, any accounts
21 receivable, working capital, liability or insurance cost or
22 operating expense financing or refinancing program of a health
23 facility with or involving funds provided in whole or in part
24 hereunder, or any combination thereof.

25 (m) The term "bond resolution" means the resolution or
26 resolutions authorizing the issuance of, or providing terms

1 and conditions related to, bonds issued under this Act and
2 includes, where appropriate, any trust agreement, trust
3 indenture, indenture of mortgage or deed of trust providing
4 terms and conditions for such bonds.

5 (n) The term "property" means any real, personal or mixed
6 property, whether tangible or intangible, or any interest
7 therein, including, without limitation, any real estate,
8 leasehold interests, appurtenances, buildings, easements,
9 equipment, furnishings, furniture, improvements, machinery,
10 rights of way, structures, accounts, contract rights or any
11 interest therein.

12 (o) The term "revenues" means, with respect to any
13 project, the rents, fees, charges, interest, principal
14 repayments, collections and other income or profit derived
15 therefrom.

16 (p) The term "higher education project" means, in the case
17 of a private institution of higher education, an educational
18 facility to be acquired, constructed, enlarged, remodeled,
19 renovated, improved, furnished, or equipped, or any
20 combination thereof.

21 (q) The term "cultural institution project" means, in the
22 case of a cultural institution, a cultural facility to be
23 acquired, constructed, enlarged, remodeled, renovated,
24 improved, furnished, or equipped, or any combination thereof.

25 (r) The term "educational facility" means any property
26 located within the State, or any property located outside the

1 State, provided that, if the property is located outside the
2 State, it must be owned, operated, leased or managed by an
3 entity located within the State or an entity affiliated with
4 an entity located within the State, in each case constructed
5 or acquired before or after the effective date of this Act,
6 which is or will be, in whole or in part, suitable for the
7 instruction, feeding, recreation or housing of students, the
8 conducting of research or other work of a private institution
9 of higher education, the use by a private institution of
10 higher education in connection with any educational, research
11 or related or incidental activities then being or to be
12 conducted by it, or any combination of the foregoing,
13 including, without limitation, any such property suitable for
14 use as or in connection with any one or more of the following:
15 an academic facility, administrative facility, agricultural
16 facility, assembly hall, athletic facility, auditorium,
17 boating facility, campus, communication facility, computer
18 facility, continuing education facility, classroom, dining
19 hall, dormitory, exhibition hall, fire fighting facility, fire
20 prevention facility, food service and preparation facility,
21 gymnasium, greenhouse, health care facility, hospital,
22 housing, instructional facility, laboratory, library,
23 maintenance facility, medical facility, museum, offices,
24 parking area, physical education facility, recreational
25 facility, research facility, stadium, storage facility,
26 student union, study facility, theatre or utility.

1 (s) The term "cultural facility" means any property
2 located within the State, or any property located outside the
3 State, provided that, if the property is located outside the
4 State, it must be owned, operated, leased or managed by an
5 entity located within the State or an entity affiliated with
6 an entity located within the State, in each case constructed
7 or acquired before or after the effective date of this Act,
8 which is or will be, in whole or in part, suitable for the
9 particular purposes or needs of a cultural institution,
10 including, without limitation, any such property suitable for
11 use as or in connection with any one or more of the following:
12 an administrative facility, aquarium, assembly hall,
13 auditorium, botanical garden, exhibition hall, gallery,
14 greenhouse, library, museum, scientific laboratory, theater or
15 zoological facility, and shall also include, without
16 limitation, books, works of art or music, animal, plant or
17 aquatic life or other items for display, exhibition or
18 performance. The term "cultural facility" includes buildings
19 on the National Register of Historic Places which are owned or
20 operated by nonprofit entities.

21 (t) "Private institution of higher education" means a
22 not-for-profit educational institution which is not owned by
23 the State or any political subdivision, agency,
24 instrumentality, district or municipality thereof, which is
25 authorized by law to provide a program of education beyond the
26 high school level and which:

1 (1) Admits as regular students only individuals having
2 a certificate of graduation from a high school, or the
3 recognized equivalent of such a certificate;

4 (2) Provides an educational program for which it
5 awards a bachelor's degree, or provides an educational
6 program, admission into which is conditioned upon the
7 prior attainment of a bachelor's degree or its equivalent,
8 for which it awards a postgraduate degree, or provides not
9 less than a 2-year program which is acceptable for full
10 credit toward such a degree, or offers a 2-year program in
11 engineering, mathematics, or the physical or biological
12 sciences which is designed to prepare the student to work
13 as a technician and at a semiprofessional level in
14 engineering, scientific, or other technological fields
15 which require the understanding and application of basic
16 engineering, scientific, or mathematical principles or
17 knowledge;

18 (3) Is accredited by a nationally recognized
19 accrediting agency or association or, if not so
20 accredited, is an institution whose credits are accepted,
21 on transfer, by not less than 3 institutions which are so
22 accredited, for credit on the same basis as if transferred
23 from an institution so accredited, and holds an unrevoked
24 certificate of approval under the Private College Act from
25 the Board of Higher Education, or is qualified as a
26 "degree granting institution" under the Academic Degree

1 Act; and

2 (4) Does not discriminate in the admission of students
3 on the basis of race or color. "Private institution of
4 higher education" also includes any "academic
5 institution".

6 (u) The term "academic institution" means any
7 not-for-profit institution which is not owned by the State or
8 any political subdivision, agency, instrumentality, district
9 or municipality thereof, which institution engages in, or
10 facilitates academic, scientific, educational or professional
11 research or learning in a field or fields of study taught at a
12 private institution of higher education. Academic institutions
13 include, without limitation, libraries, archives, academic,
14 scientific, educational or professional societies,
15 institutions, associations or foundations having such
16 purposes.

17 (v) The term "cultural institution" means any
18 not-for-profit institution which is not owned by the State or
19 any political subdivision, agency, instrumentality, district
20 or municipality thereof, which institution engages in the
21 cultural, intellectual, scientific, educational or artistic
22 enrichment of the people of the State. Cultural institutions
23 include, without limitation, aquaria, botanical societies,
24 historical societies, libraries, museums, performing arts
25 associations or societies, scientific societies and zoological
26 societies.

1 (w) The term "affiliate" means, with respect to financing
2 of an agricultural facility or an agribusiness, any lender,
3 any person, firm or corporation controlled by, or under common
4 control with, such lender, and any person, firm or corporation
5 controlling such lender.

6 (x) The term "agricultural facility" means land, any
7 building or other improvement thereon or thereto, and any
8 personal properties deemed necessary or suitable for use,
9 whether or not now in existence, in farming, ranching, the
10 production of agricultural commodities (including, without
11 limitation, the products of aquaculture, hydroponics and
12 silviculture) or the treating, processing or storing of such
13 agricultural commodities when such activities are customarily
14 engaged in by farmers as a part of farming and which land,
15 building, improvement or personal property is located within
16 the State, or is located outside the State, provided that, if
17 such property is located outside the State, it must be owned,
18 operated, leased, or managed by an entity located within the
19 State or an entity affiliated with an entity located within
20 the State.

21 (y) The term "lender" with respect to financing of an
22 agricultural facility or an agribusiness, means any federal or
23 State chartered bank, Federal Land Bank, Production Credit
24 Association, Bank for Cooperatives, federal or State chartered
25 savings and loan association or building and loan association,
26 Small Business Investment Company or any other institution

1 qualified within this State to originate and service loans,
2 including, but without limitation to, insurance companies,
3 credit unions and mortgage loan companies. "Lender" also means
4 a wholly owned subsidiary of a manufacturer, seller or
5 distributor of goods or services that makes loans to
6 businesses or individuals, commonly known as a "captive
7 finance company".

8 (z) The term "agribusiness" means any sole proprietorship,
9 limited partnership, co-partnership, joint venture,
10 corporation or cooperative which operates or will operate a
11 facility located within the State or outside the State,
12 provided that, if any facility is located outside the State,
13 it must be owned, operated, leased, or managed by an entity
14 located within the State or an entity affiliated with an
15 entity located within the State, that is related to the
16 processing of agricultural commodities (including, without
17 limitation, the products of aquaculture, hydroponics and
18 silviculture) or the manufacturing, production or construction
19 of agricultural buildings, structures, equipment, implements,
20 and supplies, or any other facilities or processes used in
21 agricultural production. Agribusiness includes but is not
22 limited to the following:

23 (1) grain handling and processing, including grain
24 storage, drying, treatment, conditioning, mailing and
25 packaging;

26 (2) seed and feed grain development and processing;

1 (3) fruit and vegetable processing, including
2 preparation, canning and packaging;

3 (4) processing of livestock and livestock products,
4 dairy products, poultry and poultry products, fish or
5 apiarian products, including slaughter, shearing,
6 collecting, preparation, canning and packaging;

7 (5) fertilizer and agricultural chemical
8 manufacturing, processing, application and supplying;

9 (6) farm machinery, equipment and implement
10 manufacturing and supplying;

11 (7) manufacturing and supplying of agricultural
12 commodity processing machinery and equipment, including
13 machinery and equipment used in slaughter, treatment,
14 handling, collecting, preparation, canning or packaging of
15 agricultural commodities;

16 (8) farm building and farm structure manufacturing,
17 construction and supplying;

18 (9) construction, manufacturing, implementation,
19 supplying or servicing of irrigation, drainage and soil
20 and water conservation devices or equipment;

21 (10) fuel processing and development facilities that
22 produce fuel from agricultural commodities or byproducts;

23 (11) facilities and equipment for processing and
24 packaging agricultural commodities specifically for
25 export;

26 (12) facilities and equipment for forestry product

1 processing and supplying, including sawmilling operations,
2 wood chip operations, timber harvesting operations, and
3 manufacturing of prefabricated buildings, paper, furniture
4 or other goods from forestry products;

5 (13) facilities and equipment for research and
6 development of products, processes and equipment for the
7 production, processing, preparation or packaging of
8 agricultural commodities and byproducts.

9 (aa) The term "asset" with respect to financing of any
10 agricultural facility or any agribusiness, means, but is not
11 limited to the following: cash crops or feed on hand;
12 livestock held for sale; breeding stock; marketable bonds and
13 securities; securities not readily marketable; accounts
14 receivable; notes receivable; cash invested in growing crops;
15 net cash value of life insurance; machinery and equipment;
16 cars and trucks; farm and other real estate including life
17 estates and personal residence; value of beneficial interests
18 in trusts; government payments or grants; and any other
19 assets.

20 (bb) The term "liability" with respect to financing of any
21 agricultural facility or any agribusiness shall include, but
22 not be limited to the following: accounts payable; notes or
23 other indebtedness owed to any source; taxes; rent; amounts
24 owed on real estate contracts or real estate mortgages;
25 judgments; accrued interest payable; and any other liability.

26 (cc) The term "Predecessor Authorities" means those

1 authorities as described in Section 845-75.

2 (dd) The term "housing project" means a specific work or
3 improvement located within the State or outside the State and
4 undertaken to provide residential dwelling accommodations,
5 including the acquisition, construction or rehabilitation of
6 lands, buildings and community facilities and in connection
7 therewith to provide nonhousing facilities which are part of
8 the housing project, including land, buildings, improvements,
9 equipment and all ancillary facilities for use for offices,
10 stores, retirement homes, hotels, financial institutions,
11 service, health care, education, recreation or research
12 establishments, or any other commercial purpose which are or
13 are to be related to a housing development, provided that any
14 work or improvement located outside the State is owned,
15 operated, leased or managed by an entity located within the
16 State, or any entity affiliated with an entity located within
17 the State.

18 (ee) The term "conservation project" means any project
19 including the acquisition, construction, rehabilitation,
20 maintenance, operation, or upgrade that is intended to create
21 or expand open space or to reduce energy usage through
22 efficiency measures. For the purpose of this definition, "open
23 space" has the definition set forth under Section 10 of the
24 Illinois Open Land Trust Act.

25 (ff) The term "significant presence" means the existence
26 within the State of the national or regional headquarters of

1 an entity or group or such other facility of an entity or group
2 of entities where a significant amount of the business
3 functions are performed for such entity or group of entities.

4 (gg) The term "municipal bond issuer" means the State or
5 any other state or commonwealth of the United States, or any
6 unit of local government, school district, agency or
7 instrumentality, office, department, division, bureau,
8 commission, college or university thereof located in the State
9 or any other state or commonwealth of the United States.

10 (hh) The term "municipal bond program project" means a
11 program for the funding of the purchase of bonds, notes or
12 other obligations issued by or on behalf of a municipal bond
13 issuer.

14 (ii) The term "participating lender" means any trust
15 company, bank, savings bank, credit union, merchant bank,
16 investment bank, broker, investment trust, pension fund,
17 building and loan association, savings and loan association,
18 insurance company, venture capital company, or other
19 institution approved by the Authority which provides a portion
20 of the financing for a project.

21 (jj) The term "loan participation" means any loan in which
22 the Authority co-operates with a participating lender to
23 provide all or a portion of the financing for a project.

24 (kk) The term "PACE Project" means an energy project as
25 defined in Section 5 of the Property Assessed Clean Energy
26 Act.

1 (ll) The term "clean energy" means energy generation that
2 is substantially free (90% or more) of carbon dioxide
3 emissions by design or operations, or that otherwise
4 contributes to the reduction in emissions of environmentally
5 hazardous materials or reduces the volume of environmentally
6 dangerous materials.

7 (mm) The term "clean energy project" means the
8 acquisition, construction, refurbishment, creation,
9 development or redevelopment of any facility, equipment,
10 machinery, real property, or personal property for use by the
11 State or any unit of local government, school district, agency
12 or instrumentality, office, department, division, bureau,
13 commission, college, or university of the State, for use by
14 any person or institution, public or private, for profit or
15 not for profit, or for use in any trade or business, which the
16 Authority determines will aid, assist, or encourage the
17 development or implementation of clean energy in the State, or
18 as otherwise contemplated by Article 850.

19 (nn) The term "Climate Bank" means the Authority in the
20 exercise of those powers conferred on it by this Act related to
21 clean energy or clean water, drinking water, or wastewater
22 treatment.

23 (oo) "equity investment eligible community" and "eligible
24 community" mean the geographic areas throughout Illinois that
25 would most benefit from equitable investments by the State
26 designed to combat discrimination. Specifically, the eligible

1 communities shall be defined as the following areas:

2 (1) R3 Areas as established pursuant to Section 10-40
3 of the Cannabis Regulation and Tax Act, where residents
4 have historically been excluded from economic
5 opportunities, including opportunities in the energy
6 sector; and

7 (2) Environmental justice communities, as defined by
8 the Illinois Power Agency pursuant to the Illinois Power
9 Agency Act, where residents have historically been subject
10 to disproportionate burdens of pollution, including
11 pollution from the energy sector.

12 (pp) "Equity investment eligible person" and "eligible
13 person" mean the persons who would most benefit from equitable
14 investments by the State designed to combat discrimination.
15 Specifically, eligible persons means the following people:

16 (1) persons whose primary residence is in an equity
17 investment eligible community;

18 (2) persons who are graduates of or currently enrolled
19 in the foster care system; or

20 (3) persons who were formerly incarcerated.

21 (qq) "Environmental justice community" means the
22 definition of that term based on existing methodologies and
23 findings used and as may be updated by the Illinois Power
24 Agency and its program administrator in the Illinois Solar for
25 All Program.

26 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

1 (20 ILCS 3501/801-40)

2 Sec. 801-40. In addition to the powers otherwise
3 authorized by law and in addition to the foregoing general
4 corporate powers, the Authority shall also have the following
5 additional specific powers to be exercised in furtherance of
6 the purposes of this Act.

7 (a) The Authority shall have power (i) to accept grants,
8 loans or appropriations from the federal government or the
9 State, or any agency or instrumentality thereof, or, in the
10 case of clean energy projects, any not-for-profit
11 philanthropic or other charitable organization, public or
12 private, to be used for the operating expenses of the
13 Authority, or for any purposes of the Authority, including the
14 making of direct loans of such funds with respect to projects,
15 and (ii) to enter into any agreement with the federal
16 government or the State, or any agency or instrumentality
17 thereof, in relationship to such grants, loans or
18 appropriations.

19 (b) The Authority shall have power to procure and enter
20 into contracts for any type of insurance and indemnity
21 agreements covering loss or damage to property from any cause,
22 including loss of use and occupancy, or covering any other
23 insurable risk.

24 (c) The Authority shall have the continuing power to issue
25 bonds for its corporate purposes. Bonds may be issued by the

1 Authority in one or more series and may provide for the payment
2 of any interest deemed necessary on such bonds, of the costs of
3 issuance of such bonds, of any premium on any insurance, or of
4 the cost of any guarantees, letters of credit or other similar
5 documents, may provide for the funding of the reserves deemed
6 necessary in connection with such bonds, and may provide for
7 the refunding or advance refunding of any bonds or for
8 accounts deemed necessary in connection with any purpose of
9 the Authority. The bonds may bear interest payable at any time
10 or times and at any rate or rates, notwithstanding any other
11 provision of law to the contrary, and such rate or rates may be
12 established by an index or formula which may be implemented or
13 established by persons appointed or retained therefor by the
14 Authority, or may bear no interest or may bear interest
15 payable at maturity or upon redemption prior to maturity, may
16 bear such date or dates, may be payable at such time or times
17 and at such place or places, may mature at any time or times
18 not later than 40 years from the date of issuance, may be sold
19 at public or private sale at such time or times and at such
20 price or prices, may be secured by such pledges, reserves,
21 guarantees, letters of credit, insurance contracts or other
22 similar credit support or liquidity instruments, may be
23 executed in such manner, may be subject to redemption prior to
24 maturity, may provide for the registration of the bonds, and
25 may be subject to such other terms and conditions all as may be
26 provided by the resolution or indenture authorizing the

1 issuance of such bonds. The holder or holders of any bonds
2 issued by the Authority may bring suits at law or proceedings
3 in equity to compel the performance and observance by any
4 person or by the Authority or any of its agents or employees of
5 any contract or covenant made with the holders of such bonds
6 and to compel such person or the Authority and any of its
7 agents or employees to perform any duties required to be
8 performed for the benefit of the holders of any such bonds by
9 the provision of the resolution authorizing their issuance,
10 and to enjoin such person or the Authority and any of its
11 agents or employees from taking any action in conflict with
12 any such contract or covenant. Notwithstanding the form and
13 tenor of any such bonds and in the absence of any express
14 recital on the face thereof that it is non-negotiable, all
15 such bonds shall be negotiable instruments. Pending the
16 preparation and execution of any such bonds, temporary bonds
17 may be issued as provided by the resolution. The bonds shall be
18 sold by the Authority in such manner as it shall determine. The
19 bonds may be secured as provided in the authorizing resolution
20 by the receipts, revenues, income and other available funds of
21 the Authority and by any amounts derived by the Authority from
22 the loan agreement or lease agreement with respect to the
23 project or projects; and bonds may be issued as general
24 obligations of the Authority payable from such revenues, funds
25 and obligations of the Authority as the bond resolution shall
26 provide, or may be issued as limited obligations with a claim

1 for payment solely from such revenues, funds and obligations
2 as the bond resolution shall provide. The Authority may grant
3 a specific pledge or assignment of and lien on or security
4 interest in such rights, revenues, income, or amounts and may
5 grant a specific pledge or assignment of and lien on or
6 security interest in any reserves, funds or accounts
7 established in the resolution authorizing the issuance of
8 bonds. Any such pledge, assignment, lien or security interest
9 for the benefit of the holders of the Authority's bonds shall
10 be valid and binding from the time the bonds are issued without
11 any physical delivery or further act, and shall be valid and
12 binding as against and prior to the claims of all other parties
13 having claims against the Authority or any other person
14 irrespective of whether the other parties have notice of the
15 pledge, assignment, lien or security interest. As evidence of
16 such pledge, assignment, lien and security interest, the
17 Authority may execute and deliver a mortgage, trust agreement,
18 indenture or security agreement or an assignment thereof. A
19 remedy for any breach or default of the terms of any such
20 agreement by the Authority may be by mandamus proceedings in
21 any court of competent jurisdiction to compel the performance
22 and compliance therewith, but the agreement may prescribe by
23 whom or on whose behalf such action may be instituted. It is
24 expressly understood that the Authority may, but need not,
25 acquire title to any project with respect to which it
26 exercises its authority.

1 (d) With respect to the powers granted by this Act, the
2 Authority may adopt rules and regulations prescribing the
3 procedures by which persons may apply for assistance under
4 this Act. Nothing herein shall be deemed to preclude the
5 Authority, prior to the filing of any formal application, from
6 conducting preliminary discussions and investigations with
7 respect to the subject matter of any prospective application.

8 (e) The Authority shall have power to acquire by purchase,
9 lease, gift or otherwise any property or rights therein from
10 any person useful for its purposes, whether improved for the
11 purposes of any prospective project, or unimproved. The
12 Authority may also accept any donation of funds for its
13 purposes from any such source. The Authority shall have no
14 independent power of condemnation but may acquire any property
15 or rights therein obtained upon condemnation by any other
16 authority, governmental entity or unit of local government
17 with such power.

18 (f) The Authority shall have power to develop, construct
19 and improve either under its own direction, or through
20 collaboration with any approved applicant, or to acquire
21 through purchase or otherwise, any project, using for such
22 purpose the proceeds derived from the sale of its bonds or from
23 governmental loans or grants, and to hold title in the name of
24 the Authority to such projects.

25 (g) The Authority shall have power to lease pursuant to a
26 lease agreement any project so developed and constructed or

1 acquired to the approved tenant on such terms and conditions
2 as may be appropriate to further the purposes of this Act and
3 to maintain the credit of the Authority. Any such lease may
4 provide for either the Authority or the approved tenant to
5 assume initially, in whole or in part, the costs of
6 maintenance, repair and improvements during the leasehold
7 period. In no case, however, shall the total rentals from any
8 project during any initial leasehold period or the total loan
9 repayments to be made pursuant to any loan agreement, be less
10 than an amount necessary to return over such lease or loan
11 period (1) all costs incurred in connection with the
12 development, construction, acquisition or improvement of the
13 project and for repair, maintenance and improvements thereto
14 during the period of the lease or loan; provided, however,
15 that the rentals or loan repayments need not include costs met
16 through the use of funds other than those obtained by the
17 Authority through the issuance of its bonds or governmental
18 loans; (2) a reasonable percentage additive to be agreed upon
19 by the Authority and the borrower or tenant to cover a properly
20 allocable portion of the Authority's general expenses,
21 including, but not limited to, administrative expenses,
22 salaries and general insurance, and (3) an amount sufficient
23 to pay when due all principal of, interest and premium, if any
24 on, any bonds issued by the Authority with respect to the
25 project. The portion of total rentals payable under clause (3)
26 of this subsection (g) shall be deposited in such special

1 accounts, including all sinking funds, acquisition or
2 construction funds, debt service and other funds as provided
3 by any resolution, mortgage or trust agreement of the
4 Authority pursuant to which any bond is issued.

5 (h) The Authority has the power, upon the termination of
6 any leasehold period of any project, to sell or lease for a
7 further term or terms such project on such terms and
8 conditions as the Authority shall deem reasonable and
9 consistent with the purposes of the Act. The net proceeds from
10 all such sales and the revenues or income from such leases
11 shall be used to satisfy any indebtedness of the Authority
12 with respect to such project and any balance may be used to pay
13 any expenses of the Authority or be used for the further
14 development, construction, acquisition or improvement of
15 projects. In the event any project is vacated by a tenant prior
16 to the termination of the initial leasehold period, the
17 Authority shall sell or lease the facilities of the project on
18 the most advantageous terms available. The net proceeds of any
19 such disposition shall be treated in the same manner as the
20 proceeds from sales or the revenues or income from leases
21 subsequent to the termination of any initial leasehold period.

22 (i) The Authority shall have the power to make loans, or to
23 purchase loan participations in loans made, to persons to
24 finance a project, to enter into loan agreements or agreements
25 with participating lenders with respect thereto, and to accept
26 guarantees from persons of its loans or the resultant

1 evidences of obligations of the Authority.

2 (j) The Authority may fix, determine, charge and collect
3 any premiums, fees, charges, costs and expenses, including,
4 without limitation, any application fees, commitment fees,
5 program fees, financing charges or publication fees from any
6 person in connection with its activities under this Act.

7 (k) In addition to the funds established as provided
8 herein, the Authority shall have the power to create and
9 establish such reserve funds and accounts as may be necessary
10 or desirable to accomplish its purposes under this Act and to
11 deposit its available monies into the funds and accounts.

12 (l) At the request of the governing body of any unit of
13 local government, the Authority is authorized to market such
14 local government's revenue bond offerings by preparing bond
15 issues for sale, advertising for sealed bids, receiving bids
16 at its offices, making the award to the bidder that offers the
17 most favorable terms or arranging for negotiated placements or
18 underwritings of such securities. The Authority may, at its
19 discretion, offer for concurrent sale the revenue bonds of
20 several local governments. Sales by the Authority of revenue
21 bonds under this Section shall in no way imply State guarantee
22 of such debt issue. The Authority may require such financial
23 information from participating local governments as it deems
24 necessary in order to carry out the purposes of this
25 subsection (1).

26 (m) The Authority may make grants to any county to which

1 Division 5-37 of the Counties Code is applicable to assist in
2 the financing of capital development, construction and
3 renovation of new or existing facilities for hospitals and
4 health care facilities under that Act. Such grants may only be
5 made from funds appropriated for such purposes from the Build
6 Illinois Bond Fund.

7 (n) The Authority may establish an urban development
8 action grant program for the purpose of assisting
9 municipalities in Illinois which are experiencing severe
10 economic distress to help stimulate economic development
11 activities needed to aid in economic recovery. The Authority
12 shall determine the types of activities and projects for which
13 the urban development action grants may be used, provided that
14 such projects and activities are broadly defined to include
15 all reasonable projects and activities the primary objectives
16 of which are the development of viable urban communities,
17 including decent housing and a suitable living environment,
18 and expansion of economic opportunity, principally for persons
19 of low and moderate incomes. The Authority shall enter into
20 grant agreements from monies appropriated for such purposes
21 from the Build Illinois Bond Fund. The Authority shall monitor
22 the use of the grants, and shall provide for audits of the
23 funds as well as recovery by the Authority of any funds
24 determined to have been spent in violation of this subsection
25 (n) or any rule or regulation promulgated hereunder. The
26 Authority shall provide technical assistance with regard to

1 the effective use of the urban development action grants. The
2 Authority shall file an annual report to the General Assembly
3 concerning the progress of the grant program.

4 (o) The Authority may establish a Housing Partnership
5 Program whereby the Authority provides zero-interest loans to
6 municipalities for the purpose of assisting in the financing
7 of projects for the rehabilitation of affordable multi-family
8 housing for low and moderate income residents. The Authority
9 may provide such loans only upon a municipality's providing
10 evidence that it has obtained private funding for the
11 rehabilitation project. The Authority shall provide 3 State
12 dollars for every 7 dollars obtained by the municipality from
13 sources other than the State of Illinois. The loans shall be
14 made from monies appropriated for such purpose from the Build
15 Illinois Bond Fund. The total amount of loans available under
16 the Housing Partnership Program shall not exceed \$30,000,000.
17 State loan monies under this subsection shall be used only for
18 the acquisition and rehabilitation of existing buildings
19 containing 4 or more dwelling units. The terms of any loan made
20 by the municipality under this subsection shall require
21 repayment of the loan to the municipality upon any sale or
22 other transfer of the project. In addition, the Authority may
23 use any moneys appropriated for such purpose from the Build
24 Illinois Bond Fund, including funds loaned under this
25 subsection and repaid as principal or interest, and investment
26 income on such funds, to make the loans authorized by

1 subsection (z), without regard to any restrictions or
2 limitations provided in this subsection.

3 (p) The Authority may award grants to universities and
4 research institutions, research consortiums and other
5 not-for-profit entities for the purposes of: remodeling or
6 otherwise physically altering existing laboratory or research
7 facilities, expansion or physical additions to existing
8 laboratory or research facilities, construction of new
9 laboratory or research facilities or acquisition of modern
10 equipment to support laboratory or research operations
11 provided that such grants (i) be used solely in support of
12 project and equipment acquisitions which enhance technology
13 transfer, and (ii) not constitute more than 60 percent of the
14 total project or acquisition cost.

15 (q) Grants may be awarded by the Authority to units of
16 local government for the purpose of developing the appropriate
17 infrastructure or defraying other costs to the local
18 government in support of laboratory or research facilities
19 provided that such grants may not exceed 40% of the cost to the
20 unit of local government.

21 (r) In addition to the powers granted to the Authority
22 under subsection (i), and in all cases supplemental to it, the
23 Authority may establish a direct loan program to make loans
24 to, or may purchase participations in loans made by
25 participating lenders to, individuals, partnerships,
26 corporations, or other business entities for the purpose of

1 financing an industrial project, as defined in Section 801-10
2 of this Act. For the purposes of such program and not by way of
3 limitation on any other program of the Authority, including,
4 without limitation, programs established under subsection (i),
5 the Authority shall have the power to issue bonds, notes, or
6 other evidences of indebtedness including commercial paper for
7 purposes of providing a fund of capital from which it may make
8 such loans. The Authority shall have the power to use any
9 appropriations from the State made especially for the
10 Authority's direct loan program, or moneys at any time held by
11 the Authority under this Act outside the State treasury in the
12 custody of either the Treasurer of the Authority or a trustee
13 or depository appointed by the Authority, for additional
14 capital to make such loans or purchase such loan
15 participations, or for the purposes of reserve funds or
16 pledged funds which secure the Authority's obligations of
17 repayment of any bond, note or other form of indebtedness
18 established for the purpose of providing capital for which it
19 intends to make such loans or purchase such loan
20 participations. For the purpose of obtaining such capital, the
21 Authority may also enter into agreements with financial
22 institutions, participating lenders, and other persons for the
23 purpose of administering a loan participation program, selling
24 loans or developing a secondary market for such loans or loan
25 participations. Loans made under the direct loan program
26 specifically established under this subsection (r), including

1 loans under such program made by participating lenders in
2 which the Authority purchases a participation, may be in an
3 amount not to exceed \$600,000 and shall be made for a portion
4 of an industrial project which does not exceed 50% of the total
5 project. No loan may be made by the Authority unless approved
6 by the affirmative vote of at least 8 members of the board. The
7 Authority shall establish procedures and publish rules which
8 shall provide for the submission, review, and analysis of each
9 direct loan and loan participation application and which shall
10 preserve the ability of each board member and the Executive
11 Director, as applicable, to reach an individual business
12 judgment regarding the propriety of each direct loan or loan
13 participation. The collective discretion of the board to
14 approve or disapprove each loan shall be unencumbered. The
15 Authority may establish and collect such fees and charges,
16 determine and enforce such terms and conditions, and charge
17 such interest rates as it determines to be necessary and
18 appropriate to the successful administration of the direct
19 loan program, including purchasing loan participations. The
20 Authority may require such interests in collateral and such
21 guarantees as it determines are necessary to protect the
22 Authority's interest in the repayment of the principal and
23 interest of each loan and loan participation made under the
24 direct loan program. The restrictions established under this
25 subsection (r) shall not be applicable to any loan or loan
26 participation made under subsection (i) or to any loan or loan

1 participation made under any other Section of this Act.

2 (s) The Authority may guarantee private loans to third
3 parties up to a specified dollar amount in order to promote
4 economic development in this State.

5 (t) The Authority may adopt rules and regulations as may
6 be necessary or advisable to implement the powers conferred by
7 this Act.

8 (u) The Authority shall have the power to issue bonds,
9 notes or other evidences of indebtedness, which may be used to
10 make loans to units of local government which are authorized
11 to enter into loan agreements and other documents and to issue
12 bonds, notes and other evidences of indebtedness for the
13 purpose of financing the protection of storm sewer outfalls,
14 the construction of adequate storm sewer outfalls, and the
15 provision for flood protection of sanitary sewage treatment
16 plans, in counties that have established a stormwater
17 management planning committee in accordance with Section
18 5-1062 of the Counties Code. Any such loan shall be made by the
19 Authority pursuant to the provisions of Section 820-5 to
20 820-60 of this Act. The unit of local government shall pay back
21 to the Authority the principal amount of the loan, plus annual
22 interest as determined by the Authority. The Authority shall
23 have the power, subject to appropriations by the General
24 Assembly, to subsidize or buy down a portion of the interest on
25 such loans, up to 4% per annum.

26 (v) The Authority may accept security interests as

1 provided in Sections 11-3 and 11-3.3 of the Illinois Public
2 Aid Code.

3 (w) Moral Obligation. In the event that the Authority
4 determines that monies of the Authority will not be sufficient
5 for the payment of the principal of and interest on its bonds
6 during the next State fiscal year, the Chairperson, as soon as
7 practicable, shall certify to the Governor the amount required
8 by the Authority to enable it to pay such principal of and
9 interest on the bonds. The Governor shall submit the amount so
10 certified to the General Assembly as soon as practicable, but
11 no later than the end of the current State fiscal year. This
12 subsection shall apply only to any bonds or notes as to which
13 the Authority shall have determined, in the resolution
14 authorizing the issuance of the bonds or notes, that this
15 subsection shall apply. Whenever the Authority makes such a
16 determination, that fact shall be plainly stated on the face
17 of the bonds or notes and that fact shall also be reported to
18 the Governor. In the event of a withdrawal of moneys from a
19 reserve fund established with respect to any issue or issues
20 of bonds of the Authority to pay principal or interest on those
21 bonds, the Chairperson of the Authority, as soon as
22 practicable, shall certify to the Governor the amount required
23 to restore the reserve fund to the level required in the
24 resolution or indenture securing those bonds. The Governor
25 shall submit the amount so certified to the General Assembly
26 as soon as practicable, but no later than the end of the

1 current State fiscal year. The Authority shall obtain written
2 approval from the Governor for any bonds and notes to be issued
3 under this Section. In addition to any other bonds authorized
4 to be issued under Sections 825-60, 825-65(e), 830-25 and
5 845-5, the principal amount of Authority bonds outstanding
6 issued under this Section 801-40(w) or under 20 ILCS 3850/1-80
7 or 30 ILCS 360/2-6(c), which have been assumed by the
8 Authority, shall not exceed \$150,000,000. This subsection (w)
9 shall in no way be applied to any bonds issued by the Authority
10 on behalf of the Illinois Power Agency under Section 825-90 of
11 this Act.

12 (x) The Authority may enter into agreements or contracts
13 with any person necessary or appropriate to place the payment
14 obligations of the Authority under any of its bonds in whole or
15 in part on any interest rate basis, cash flow basis, or other
16 basis desired by the Authority, including without limitation
17 agreements or contracts commonly known as "interest rate swap
18 agreements", "forward payment conversion agreements", and
19 "futures", or agreements or contracts to exchange cash flows
20 or a series of payments, or agreements or contracts, including
21 without limitation agreements or contracts commonly known as
22 "options", "puts", or "calls", to hedge payment, rate spread,
23 or similar exposure; provided that any such agreement or
24 contract shall not constitute an obligation for borrowed money
25 and shall not be taken into account under Section 845-5 of this
26 Act or any other debt limit of the Authority or the State of

1 Illinois.

2 (y) The Authority shall publish summaries of projects and
3 actions approved by the members of the Authority on its
4 website. These summaries shall include, but not be limited to,
5 information regarding the:

6 (1) project;

7 (2) Board's action or actions;

8 (3) purpose of the project;

9 (4) Authority's program and contribution;

10 (5) volume cap;

11 (6) jobs retained;

12 (7) projected new jobs;

13 (8) construction jobs created;

14 (9) estimated sources and uses of funds;

15 (10) financing summary;

16 (11) project summary;

17 (12) business summary;

18 (13) ownership or economic disclosure statement;

19 (14) professional and financial information;

20 (15) service area; and

21 (16) legislative district.

22 The disclosure of information pursuant to this subsection
23 shall comply with the Freedom of Information Act.

24 (z) Consistent with the findings and declaration of policy
25 set forth in item (j) of Section 801-5 of this Act, the
26 Authority shall have the power to make loans to the Police

1 Officers' Pension Investment Fund authorized by Section
2 22B-120 of the Illinois Pension Code and to make loans to the
3 Firefighters' Pension Investment Fund authorized by Section
4 22C-120 of the Illinois Pension Code. Notwithstanding anything
5 in this Act to the contrary, loans authorized by Section
6 22B-120 and Section 22C-120 of the Illinois Pension Code may
7 be made from any of the Authority's funds, including, but not
8 limited to, funds in its Illinois Housing Partnership Program
9 Fund, its Industrial Project Insurance Fund, or its Illinois
10 Venture Investment Fund.

11 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

12 (20 ILCS 3501/Art. 850 heading new)

13 ARTICLE 850

14 GENERAL PROVISIONS

15 (20 ILCS 3501/850-5 new)

16 Sec. 850-5. Climate Bank. The General Assembly designates
17 the Authority as the Climate Bank to aid in all respects with
18 providing financial assistance, programs, and products to
19 finance and otherwise develop and facilitate opportunities to
20 develop clean energy and provide clean water, drinking water,
21 and wastewater treatment in the State. Nothing in this Section
22 shall be deemed to supersede powers and regulatory duties
23 conferred to other State agencies or governmental units.

1 (20 ILCS 3501/850-10 new)

2 Sec. 850-10. Powers and duties.

3 (a) The Authority shall have the powers enumerated in this
4 Act to assist in the development and implementation of clean
5 energy in the State. The powers enumerated in this Article
6 shall be in addition to all other powers of the Authority
7 conferred in this Act, including those related to clean energy
8 and the provision of clean water, drinking water, and
9 wastewater treatment. The powers of the Authority to issue
10 bonds, notes, and other obligations to finance loans
11 administered by the Illinois Environmental Protection Agency
12 under the Public Water Supply Loan Program or the Water
13 Pollution Control Loan Program or other similar programs shall
14 not be limited or otherwise affected by this amendatory Act of
15 the 102nd General Assembly.

16 (b) In its role as the Climate Bank of the State, the
17 Authority shall have the power to: (i) administer programs and
18 funds appropriated by the General Assembly for clean energy
19 projects in eligible communities and environmental justice
20 communities or owned by eligible persons, (ii) support
21 investment in the clean energy and clean water, drinking
22 water, and wastewater treatment, (iii) support and otherwise
23 promote investment in clean energy projects to foster the
24 growth, development, and commercialization of clean energy
25 projects and related enterprises, and (iv) stimulate demand
26 for clean energy and the development of clean energy projects.

1 (c) In addition to, and not in limitation of, any other
2 power of the Authority set forth in this Section or any other
3 provisions of the general statutes, the Authority shall have
4 and may exercise the following powers in furtherance of or in
5 carrying out its clean energy powers and purposes:

6 (1) To enter into joint ventures and invest in and
7 participate with any person, including, without
8 limitation, government entities and private corporations,
9 engaged primarily in the development of clean energy
10 projects, provided that members of the Authority or
11 officers may serve as directors, members, or officers of
12 any such business entity, and such service shall be deemed
13 to be in the discharge of the duties or within the scope of
14 the employment of any such member or officer, or Authority
15 or officers, as the case may be, so long as such member or
16 officer does not receive any compensation or direct or
17 indirect financial benefit as a result of serving in such
18 role.

19 (2) To utilize funding sources, including, but not
20 limited to:

21 (A) funds repurposed from existing programs
22 providing financing support for clean energy projects,
23 provided any transfer of funds from such existing
24 programs shall be subject to approval by the General
25 Assembly and shall be used for expenses of financing,
26 grants, and loans;

1 (B) any federal funds that can be used for clean
2 energy purposes;

3 (C) charitable gifts, grants, and contributions as
4 well as loans from individuals, corporations,
5 university endowment funds, and philanthropic
6 foundations for clean energy projects or for the
7 provision of clean water, drinking water, and
8 wastewater treatment; and

9 (D) earnings and interest derived from financing
10 support activities for clean energy projects financed
11 by the Authority.

12 (3) To enter into contracts with private sources to
13 raise capital.

14 (d) The Authority may finance working capital, refinance
15 outstanding indebtedness of any person, and otherwise assist
16 in the investment of equity from any source, public or
17 private, in connection with clean energy projects or any other
18 projects authorized by this Act.

19 (e) The Authority may assess reasonable fees on its
20 financing activities to cover its reasonable costs and
21 expenses, as determined by the Authority.

22 (f) The Authority shall make information regarding the
23 rates, terms and conditions for all of its financing support
24 transactions available to the public for inspection, including
25 formal annual reviews by both a private auditor and the
26 Comptroller, and providing details to the public on the

1 Internet, provided public disclosure shall be restricted for
2 patentable ideas, trade secrets, and proprietary or
3 confidential commercial or financial information, disclosure
4 of which may cause commercial harm to a nongovernmental
5 recipient of such financing support and for other information
6 exempt from public records disclosure pursuant to Section
7 1-210.

8 (20 ILCS 3501/850-15 new)

9 Sec. 850-15. Purposes; Climate Bank. In its role as the
10 Climate Bank for the State, the Authority shall consider the
11 following purposes:

12 (1) the distribution of the benefits of clean energy
13 in an equitable manner, including by evaluating benefits
14 to eligible communities and equity investment eligible
15 persons;

16 (2) making clean energy accessible to all, especially
17 eligible persons, through financing opportunities and
18 grants for minority-owned businesses, as defined in the
19 Business Enterprise for Minorities, Women, and Persons
20 with Disabilities Act, and for low-income communities,
21 eligible communities, environmental justice communities,
22 and the businesses that serve these communities; and

23 (3) accelerating the investment of private capital
24 into clean energy projects in a manner reflective of the
25 geographic, racial, ethnic, gender, and income-level

1 diversity of the State.

2 Article 10. Energy Community Reinvestment Act

3 Section 10-1. Short title. This Article may be cited as
4 the Energy Community Reinvestment Act. References in this
5 Article to "this Act" mean this Article.

6 Section 10-5. Findings. The General Assembly finds that,
7 as part of putting Illinois on a path to 100% renewable energy,
8 the State of Illinois should ensure a just transition to that
9 goal, providing support for the transition of Illinois'
10 communities and workers impacted by closures or reduced use of
11 fossil fuel power plants, nuclear power plants, or coal mines
12 by allocating new economic development resources for business
13 tax incentives, workforce training, site clean-up and reuse,
14 and local tax revenue replacement.

15 The General Assembly finds and declares that the health,
16 safety, and welfare of the people of this State are dependent
17 upon a healthy economy and vibrant communities; that the
18 closure of fossil fuel power plants, nuclear power plants, and
19 coal mines across this State have a significant impact on
20 their surrounding communities; that the expansion of renewable
21 energy creates job growth and contributes to the health,
22 safety, and welfare of the people of this State; that the
23 continual encouragement, development, growth, and expansion of

1 renewable energy within this State requires a cooperative and
2 continuous partnership between government and the renewable
3 energy sector; and that there are certain areas in this State
4 that have lost, or will lose, jobs due to the closure of fossil
5 fuel power plants, nuclear power plants, and coal mines and
6 need the particular attention of government, labor, and the
7 residents of Illinois to help attract new investment into
8 these areas and directly aid the local community and its
9 residents.

10 Therefore, it is declared to be the purpose of this Act to
11 explore ways of stimulating the growth of new private
12 investment, including renewable energy investment, in this
13 State and to foster job growth in areas impacted by the closure
14 of coal energy plants, coal mines, and nuclear energy plants.

15 Section 10-10. Definitions. As used in this Act, unless
16 the context otherwise requires:

17 "Agencies" or "State agencies" has the same meaning as
18 "State agencies" under Section 1-7 of the Illinois State
19 Auditing Act.

20 "Commission" means the Energy Transition Workforce
21 Commission created in Section 10-15.

22 "Department" means the Department of Commerce and Economic
23 Opportunity.

24 "Displaced energy worker" means an energy worker who has
25 lost employment, or is anticipated by the Department to lose

1 employment within the next 5 years, due to the reduced
2 operation or closure of a fossil fuel power plant, nuclear
3 power plant, or coal mine.

4 "Energy worker" means a person who has been employed
5 full-time for a period of one year or longer, and within the
6 previous 5 years, at a fossil fuel power plant, a nuclear power
7 plant, or a coal mine located within the State of Illinois,
8 whether or not they are employed by the owner of the power
9 plant or mine. Energy workers are considered to be full-time
10 if they work at least 35 hours per week for 45 weeks a year or
11 the 1,820 work-hour equivalent with vacations, paid holidays,
12 and sick time, but not overtime, included in this computation.
13 Classification of an individual as an energy worker continues
14 for 5 years from the latest date of employment or the effective
15 date of this Act, whichever is later.

16 "Environmental justice communities" shall have the meaning
17 set forth in Section 1-56 of the Illinois Power Agency Act and
18 the most recent Commission-approved long-term renewable
19 resources procurement plan of the Illinois Power Agency.

20 "Fossil fuel power plant" means an electric generating
21 facility powered by gas, coal, other fossil fuels, or a
22 combination thereof.

23 "Local labor market area" means an economically integrated
24 area within which individuals reside and find employment
25 within a reasonable distance of their places of residence or
26 can readily change jobs without changing their places of

1 residence.

2 "Low-income" means persons and families whose income does
3 not exceed 80% of area median income, adjusted for family size
4 and revised every 2 years.

5 "Renewable energy enterprise" means a company that is
6 engaged in the production, manufacturing, distribution, or
7 development of renewable energy resources and associated
8 technologies.

9 "Renewable energy project" means a project conducted by a
10 renewable energy enterprise for the purpose of generating
11 renewable energy resources or energy storage.

12 "Renewable energy resources" has the meaning set forth in
13 Section 1-10 of the Illinois Power Agency Act.

14 "Rule" has the meaning set forth in Section 1-70 of the
15 Illinois Administrative Procedure Act.

16 Section 10-15. Energy Transition Workforce Commission.

17 (a) The Energy Transition Workforce Commission is hereby
18 created within the Department of Commerce and Economic
19 Opportunity.

20 (b) The Commission shall consist of the following members:

21 (1) the Director of Commerce and Economic Opportunity;

22 (2) the Director of Labor, or his or her designee, who
23 shall serve as chairperson;

24 (3) 5 members appointed by the Governor, with the
25 advice and consent of the Senate, of which at least one

1 shall be a representative of a local labor organization,
2 at least one shall be a resident of an environmental
3 justice community, at least one shall be a representative
4 of a national labor organization, and at least one shall
5 be a representative of the administrator of workforce
6 training programs created by this Act. Designees shall be
7 appointed within 60 days after a vacancy; and

8 (4) the 3 Regional Administrators selected under
9 Section 5-15 of the Energy Transition Act.

10 (c) Members of the Commission shall serve without
11 compensation, but may be reimbursed for necessary expenses
12 incurred in the performance of their duties from funds
13 appropriated for that purpose. The Department of Commerce and
14 Economic Opportunity shall provide administrative support to
15 the Commission.

16 (d) Within 240 days after the effective date of this Act,
17 the Commission shall produce an Energy Transition Workforce
18 Report regarding the anticipated impact of the energy
19 transition and a comprehensive set of recommendations to
20 address changes to the Illinois workforce during the period of
21 2020 through 2050, or a later year. The report shall contain
22 the following elements, designed to be used for the programs
23 created in this Act:

24 (1) Information related to the impact on current
25 workers, including:

26 (A) a comprehensive accounting of all employees

1 who currently work in fossil fuel energy generation,
2 nuclear energy generation, and coal mining in the
3 State; upon receipt of the employee's written
4 authorization for the employer's release of such
5 information to the Commission, this shall include
6 information on their location, employer, salary
7 ranges, full-time or part-time status, nature of their
8 work, educational attainment, union status, and other
9 factors the Commission finds relevant;

10 (B) the anticipated schedule of closures of fossil
11 fuel power plants, nuclear power plants, and coal
12 mines across the State; when information is
13 unavailable to provide exact data, the report shall
14 include approximations based upon the best available
15 information;

16 (C) an estimate of worker impacts due to scheduled
17 closures, including layoffs, early retirements, salary
18 changes, and other factors the Commission finds
19 relevant; and

20 (D) the likely outcome for workers who are
21 employed by facilities that are anticipated to close
22 or have significant layoffs during their tenure or
23 lifetime.

24 (2) Information regarding impact on communities and
25 local governments, including:

26 (A) changes in the revenue for units of local

1 government in areas that currently or recently have
2 had a closure or reduction in operation of a fossil
3 fuel power plant, nuclear power plant, coal mine, or
4 related industry;

5 (B) environmental impacts in areas that currently
6 or recently have had fossil fuel power plants, coal
7 mines, nuclear power plants, or related industry; and

8 (C) economic impacts of the energy transition,
9 including, but not limited to, the supply chain
10 impacts of the energy transition shift toward new
11 energy sources across the State.

12 (3) Information on emerging industries and State
13 economic development opportunities in regions that have
14 historically been the site of fossil fuel power plants,
15 nuclear power plants, or coal mining.

16 (e) The Department shall periodically review its findings
17 in the developed reports and make modifications to the report
18 and programs based on new findings. The Department shall
19 conduct a comprehensive reevaluation of the report, and
20 publish a modified version, on each of the following years
21 following initial publication: 2023; 2027; 2030; 2035; 2040;
22 and any year thereafter which the Department determines is
23 necessary or prudent.

24 Section 10-20. Energy Transition Community Grants.

25 (a) Subject to appropriation, the Department shall

1 establish an Energy Transition Community Grant Program to
2 award grants to promote economic development in eligible
3 communities.

4 (b) Funds shall be made available from the Energy
5 Transition Assistance Fund to the Department to provide these
6 grants.

7 (c) Communities eligible to receive these grants must meet
8 one or more of the following:

9 (1) the area contains a fossil fuel or nuclear power
10 plant that was retired from service or has significantly
11 reduced service within 6 years before the application for
12 designation or will be retired or have service
13 significantly reduced within 6 years following the
14 application for designation;

15 (2) the area contains a coal mine that was closed or
16 had operations significantly reduced within 6 years before
17 the application for designation or is anticipated to be
18 closed or have operations significantly reduced within 6
19 years following the application for designation; or

20 (3) the area contains a nuclear power plant that was
21 decommissioned, but continued storing nuclear waste before
22 the effective date of this Act.

23 (d) Local units of governments in eligible areas may join
24 with any other local unit of government, economic development
25 organization, local educational institutions, community-based
26 groups, or with any number or combination thereof to apply for

1 the Energy Transition Community Grant.

2 (e) To receive grant funds, an eligible community must
3 submit an application to the Department, using a form
4 developed by the Department.

5 (f) For grants awarded to counties or other entities that
6 are not the city that hosts or has hosted the investor-owned
7 electric generating plant, a resolution of support for the
8 project from the city or cities that hosts or has hosted the
9 investor-owned electric generating plant is required to be
10 submitted with the application.

11 (g) Grants must be used to plan for or address the economic
12 and social impact on the community or region of plant
13 retirement or transition.

14 (h) Project applications shall include community input and
15 consultation with a diverse set of stakeholders, including,
16 but not limited to: Regional Planning Councils, where
17 applicable; economic development organizations; low-income or
18 environmental justice communities; educational institutions;
19 elected and appointed officials; organizations representing
20 workers; and other relevant organizations.

21 (i) Grant costs are authorized to procure third-party
22 vendors for grant writing and implementation costs, including
23 for guidance and opportunities to apply for additional
24 federal, State, local, and private funding resources. If the
25 application is approved for pre-award, one-time reimbursable
26 costs to apply for the Energy Transition Community Grant are

1 authorized up to 3% of the award.

2 Section 10-25. Displaced Energy Workers Bill of Rights.

3 (a) The Department, in collaboration with the Department
4 of Employment Security, shall have the authority to implement
5 the Displaced Energy Workers Bill of Rights, and shall be
6 responsible for the implementation of the Displaced Energy
7 Workers Bill of Rights programs and rights created under this
8 Section. The Department shall provide the following benefits
9 to displaced energy workers listed in paragraphs (1) through
10 (4) of this subsection:

11 (1) Advance notice of power plant or coal mine
12 closure.

13 (A) The Department shall notify all energy workers
14 of the upcoming closure of any qualifying facility as
15 far in advance of the scheduled closing date as it can.
16 The Department shall engage the employer and energy
17 workers no later than within 30 days of a closure or
18 deactivation notice being filed by the plant owner to
19 the Regional Transmission Organization of
20 jurisdiction, within 30 days of the announced closure
21 of a coal mine, within 30 days of a WARN notice being
22 filed with the Department, or within 30 days of an
23 announcement or requirement of cessation of operations
24 of a plant or mine from another authoritative source,
25 whichever is first.

1 (B) In providing the advance notice described in
2 this paragraph (1), the Department shall take
3 reasonable steps to ensure that all displaced energy
4 workers are educated on the various programs available
5 through the Department to assist with the energy
6 transition.

7 (2) Education on programs. The Department shall take
8 reasonable steps to ensure that all displaced energy
9 workers are educated on the various programs available
10 through the Department to assist with the energy
11 transition, including, but not limited to, the Illinois
12 Dislocated Worker and Rapid Response programs. The
13 Department will develop an outreach strategy, workforce
14 toolkit and quick action plan to deploy when closures are
15 announced. This strategy will include identifying any
16 additional resources that may be needed to aid worker
17 transitions that would require contracting services.

18 (3) The Department shall provide information and
19 consultation to displaced energy workers on various
20 employment and educational opportunities available to
21 them, supportive services, and advise workers on which
22 opportunities meet their skills, needs, and preferences.

23 (A) Available services will include reemployment
24 services, training services, work-based learning
25 services, and financial and retirement planning
26 support.

1 (B) The Department will provide skills matching as
2 part of career counseling services to enable
3 assessment of the displaced energy worker's skills and
4 map those skills to emerging occupations in the region
5 or nationally, or both, depending on the displaced
6 worker's preferences.

7 (C) For energy workers who may be interested in
8 entrepreneurial pursuits, the Department will connect
9 these individuals with their area Small Business
10 Development Center, procurement technical assistance
11 centers, and economic development organization to
12 engage in services, including, but not limited to,
13 business consulting, business planning, regulatory
14 compliance, marketing, training, accessing capital,
15 and government bid certification assistance.

16 (4) Financial planning services. Displaced energy
17 workers shall be entitled to services as described in the
18 energy worker programs in this subsection, including
19 financial planning services.

20 (b) Plant owners and the owners of coal mines located in
21 Illinois shall be required to comply with the requirements set
22 out in this subsection (b). The owners shall be required to
23 take the following actions:

24 (1) Provide written notice of deactivation or closure
25 filing with the Regional Transmission Organization of
26 jurisdiction to the Department within 48 hours, if

1 applicable.

2 (2) Provide employment information for energy workers;
3 90 days prior to the closure of an electric generating
4 unit or mine, the owners of the power plant or mine shall
5 provide energy workers information on whether there are
6 employment opportunities provided by their employer.

7 (3) Annually report to the Department on announced
8 closures of qualifying facilities. The report must include
9 information on expected closure date, number of employees,
10 planning processes, services offered for employees (such
11 as training opportunities) leading up to the closure,
12 efforts made to retain employees through other employment
13 opportunities within the company, and any other
14 information that the Department requires in order to
15 implement this Section.

16 (4) Ninety days prior to closure date, provide a final
17 closure report to the Department that includes expected
18 closure date, number of employees and salaries, transition
19 support the company is providing to employee and
20 timelines, including assistance for training
21 opportunities, transportation support or child care
22 resources to attend training, career counseling, resume
23 support, and others. The closure report will be made
24 available to the chief elected official of each municipal
25 and county government within which the employment loss,
26 relocation, or mass layoff occurs. It shall not be made

1 publicly available.

2 (5) Ninety days prior to closure date, provide job
3 descriptions for each employee at the plant or mine to the
4 Department and the entity providing career and training
5 counseling.

6 (6) Ninety days prior to closure date, make available
7 to the Department and the entity providing career and
8 training counseling any industry-related certifications
9 and on-the-job training the employee earned to allow union
10 training programs, community colleges, or other
11 certification programs to award credit for life
12 experiences in order to reduce the amount of time to
13 complete training, certificates, or degrees for the
14 dislocated employee.

15 (7) Maintain responsible retirement account
16 portfolios.

17 Section 10-30. Displaced Energy Worker Dependent
18 Transition Scholarship.

19 (a) Subject to appropriation, the benefits of this Section
20 shall be administered by and paid for out of funds made
21 available to the Illinois Student Assistance Commission.

22 (b) Any natural child, legally adopted child, or stepchild
23 of an eligible displaced energy worker who possesses all
24 necessary entrance requirements shall, upon application and
25 proper proof, be awarded a transition scholarship consisting

1 of the equivalent of one calendar year of full-time
2 enrollment, including summer terms, to the State-supported
3 Illinois institution of higher learning of his or her choice.

4 (c) As used in this Section, "eligible displaced energy
5 worker" means an energy worker who has lost employment due to
6 the reduced operation or closure of a fossil fuel power plant
7 or coal mine.

8 (d) Full-time enrollment means 12 or more semester hours
9 of courses per semester, or 12 or more quarter hours of courses
10 per quarter, or the equivalent thereof per term. Scholarships
11 utilized by dependents enrolled in less than full-time study
12 shall be computed in the proportion which the number of hours
13 so carried bears to full-time enrollment.

14 (e) Scholarships awarded under this Section may be used by
15 a child without regard to his or her age. The holder of a
16 Scholarship awarded under this Section shall be subject to all
17 examinations and academic standards, including the maintenance
18 of minimum grade levels, that are applicable generally to
19 other enrolled students at the Illinois institution of higher
20 learning where the scholarship is being used.

21 (f) An applicant is eligible for a scholarship under this
22 Section when the Commission finds the applicant:

23 (1) is the natural child, legally adopted child, or
24 stepchild of an eligible displaced energy worker; and

25 (2) in the absence of transition scholarship
26 assistance, will be deterred by financial considerations

1 from completing an educational program at the
2 State-supported Illinois institution of higher learning of
3 his or her choice.

4 (g) Funds may be made available from the Energy Transition
5 Assistance Fund to the Commission to provide these grants.

6 (h) The scholarship shall only cover tuition and fees at
7 the rates offered to students residing within the State or in
8 the district, but shall not exceed the cost equivalent of one
9 calendar year of full-time enrollment, including summer terms,
10 at the University of Illinois. The Commission shall determine
11 the grant amount for each student.

12 Section 10-35. Consideration of energy worker employment.

13 (a) All State departments and agencies shall conduct a
14 review of the Department of Commerce and Economic
15 Opportunity's registry of energy workers to determine whether
16 any qualified candidates are displaced energy workers before
17 making a final hiring decision for a position in State
18 employment.

19 (b) The Department of Commerce and Economic Opportunity
20 shall inform all State agencies and departments of the
21 obligations created by this Section and take steps to ensure
22 compliance.

23 (c) Nothing in this Section shall be interpreted to
24 indicate that the State is required to hire displaced energy
25 workers for any position.

1 (d) No part of this Section shall be interpreted to be in
2 conflict with federal or State civil rights or employment law.

3 Section 10-40. Energy Community Reinvestment Report.
4 Beginning 365 days after the effective date of this Act, and at
5 least once each calendar year thereafter, the Department shall
6 create or commission the creation of a report on the energy
7 worker and transition programs created in this Act and publish
8 the report on its website. The report shall, at a minimum,
9 contain information on program metrics, the demographics of
10 participants, program impact, and recommendations for future
11 modifications to the services provided by the Department under
12 these programs.

13 Section 10-70. Administrative review. All final
14 administrative decisions, including, but not limited to,
15 funding allocation and rules issued by the Department under
16 this Act are subject to judicial review under the
17 Administrative Review Law. No action may be commenced under
18 this Section prior to 60 days after the complainant has given
19 notice in writing of the action to the Department.

20 Section 10-90. Repealer. This Act is repealed 24 years
21 after the effective date of this Act.

22 Article 15. Community Energy, Climate, and Jobs Planning Act

1 Section 15-1. Short title. This Article may be cited as
2 the Community Energy, Climate, and Jobs Planning Act.
3 References in this Article to "this Act" mean this Article.

4 Section 15-5. Findings. The General Assembly makes the
5 following findings:

6 (1) The health, welfare, and prosperity of Illinois
7 residents require that Illinois take all steps possible to
8 combat climate change, address harmful environmental
9 impacts deriving from the generation of electricity,
10 maximize quality job creation in the emerging clean energy
11 economy, ensure affordable utility service, equitable and
12 affordable access to transportation, and clean, safe, and
13 affordable housing.

14 (2) The achievement of these goals will depend on
15 strong community engagement to ensure that programs and
16 policy solutions meet the needs of disparate communities.

17 (3) Ensuring that these goals are met without adverse
18 impacts on utility bill affordability, housing
19 affordability, and other essential services will depend on
20 the coordination of policies and programs within local
21 communities.

22 Section 15-10. Definitions. As used in this Act:

23 "Alternative energy improvement" means the installation or

1 upgrade of electrical wiring, outlets, or charging stations to
2 charge a motor vehicle that is fully or partially powered by
3 electricity; photovoltaic, energy storage, or thermal
4 resource; or any combination thereof.

5 "Disadvantaged worker" means an individual who is defined
6 as: (1) being homeless; (2) being a custodial single parent;
7 (3) being a recipient of public assistance; (4) lacking a high
8 school diploma or high school equivalency; (5) having a
9 criminal record or other involvement in the criminal justice
10 system; (6) suffering from chronic unemployment; (7) being
11 previously in the child welfare system; or (8) being a
12 veteran.

13 "Energy efficiency improvement" means equipment, devices,
14 or materials intended to decrease energy consumption or
15 promote a more efficient use of electricity, natural gas,
16 propane, or other forms of energy on property, including, but
17 not limited to:

18 (1) insulation in walls, roofs, floors, foundations,
19 or heating and cooling distribution systems;

20 (2) storm windows and doors, multi-glazed windows and
21 doors, heat-absorbing or heat-reflective glazed and coated
22 window and door systems, and additional glazing,
23 reductions in glass area, and other window and door system
24 modifications that reduce energy consumption;

25 (3) automated energy control systems;

26 (4) high efficiency heating, ventilating, or

1 air-conditioning and distribution system modifications or
2 replacements;

3 (5) caulking, weather-stripping, and air sealing;

4 (6) replacement or modification of lighting fixtures
5 to reduce the energy use of the lighting system;

6 (7) energy controls or recovery systems;

7 (8) day lighting systems;

8 (9) any energy efficiency project, as defined in
9 Section 825-65 of the Illinois Finance Authority Act; and

10 (10) any other installation or modification of
11 equipment, devices, or materials approved as a utility
12 cost-saving measure by the governing body.

13 "Energy project" means the installation or modification of
14 an alternative energy improvement, energy efficiency
15 improvement, or water use improvement, or the acquisition,
16 installation, or improvement of a renewable energy system that
17 is affixed to a stabilized existing property, including new
18 construction.

19 "Environmental justice communities" means the proposed
20 definition of that term based on existing methodologies and
21 findings used by the Illinois Power Agency and its
22 Administrator in its Illinois Solar for All Program.

23 "Equity investment eligible community" or "eligible
24 community" are synonymous and mean the geographic areas
25 throughout Illinois which would most benefit from equitable
26 investments by the State designed to combat discrimination and

1 foster sustainable economic growth. Specifically, eligible
2 communities shall be defined as the following areas:

3 (1) R3 Areas as established pursuant to Section 10-40
4 of the Cannabis Regulation and Tax Act, where residents
5 have historically been excluded from economic
6 opportunities, including opportunities in the energy
7 sector; and

8 (2) Environmental justice communities, as defined by
9 the Illinois Power Agency pursuant to the Illinois Power
10 Agency Act, where residents have historically been subject
11 to disproportionate burdens of pollution, including
12 pollution from the energy sector.

13 "Equity investment eligible person" or "eligible person"
14 are synonymous and mean the persons who would most benefit
15 from equitable investments by the State designed to combat
16 discrimination and foster sustainable economic growth.
17 Specifically, "eligible person" means the following people:

18 (1) a person whose primary residence is in an equity
19 investment eligible community;

20 (2) a person who is a graduate of or currently
21 enrolled in the foster care system; or

22 (3) a person who was formerly incarcerated.

23 "Governing body" means the county board or board of county
24 commissioners of a county, the city council of a municipality,
25 or the board of trustees of a village.

26 "Local Employment Plan" means a bidding option that public

1 agencies may include in requests for proposals to incentivize
2 bidders to voluntarily plan to retain and create high-skilled
3 local manufacturing jobs; invest in preapprenticeship,
4 apprenticeship, and training opportunities; and develop
5 family-sustaining career pathways into clean energy industries
6 for disadvantaged workers in a specified local area. The Local
7 Employment Plan only applies to work that is not financed with
8 federal money.

9 "Local unit of government" means a county, municipality,
10 or village.

11 "Natural climate solutions" means conservation,
12 restoration, or improved land management actions that increase
13 carbon storage or avoid greenhouse gas emissions on natural
14 and working lands.

15 "Nature-based approaches for climate adaptation" means
16 actions that preserve, enhance, or expand functions provided
17 by nature that increase capacity to manage adverse conditions
18 created or exacerbated by climate change. "Nature-based
19 approaches for climate adaptation" includes, but is not
20 limited to, the restoration of native ecosystems, especially
21 floodplains; installation of bioswales, rain gardens, and
22 other green stormwater infrastructure; and practices that
23 increase soil health and reduce urban heat island effects.

24 "Public agency" means the State of Illinois or any of its
25 government bodies and subdivisions, including the various
26 counties, townships, municipalities, school districts,

1 educational service regions, special road districts, public
2 water supply districts, drainage districts, levee districts,
3 sewer districts, housing authorities, and transit agencies.

4 "Renewable energy resource" includes energy and its
5 associated renewable energy credit or renewable energy credits
6 from wind energy, solar thermal energy, geothermal energy,
7 photovoltaic cells and panels, biodiesel, anaerobic digestion,
8 and hydropower that does not involve new construction or
9 significant expansion of hydropower dams. For purposes of this
10 Act, landfill gas produced in the State is considered a
11 renewable energy resource. "Renewable energy resource" does
12 not include the incineration or burning of any solid material.

13 "Renewable energy system" means a fixture, product,
14 device, or interacting group of fixtures, products, or devices
15 on the customer's side of the meter that use one or more
16 renewable energy resources to generate electricity, and
17 specifically includes any renewable energy project, as defined
18 in Section 825-65 of the Illinois Finance Authority Act.

19 "U.S. Employment Plan" means a bidding option that public
20 agencies may include in requests for proposals to incentivize
21 bidders to voluntarily plan to retain and create high-skilled
22 U.S. manufacturing jobs; invest in preapprenticeship,
23 apprenticeship, and training opportunities; and develop
24 family-sustaining career pathways into clean energy industries
25 for disadvantaged workers throughout the U.S. The U.S.
26 Employment Plan only applies to work financed with federal

1 Money.

2 "Water use improvement" means any fixture, product,
3 system, device, or interacting group thereof for or serving
4 any property that has the effect of conserving water resources
5 through improved water management, efficiency, or thermal
6 resource.

7 Section 15-15. Community Energy, Climate, and Jobs Plans;
8 creation.

9 (a) Pursuant to the procedures in Section 15-20, a local
10 unit of government may establish Community Energy, Climate,
11 and Jobs Plans and identify boundaries and areas covered by
12 the Plans.

13 (b) Community Energy, Climate, and Jobs Plans are intended
14 to aid local governments in developing a comprehensive
15 approach to combining different energy, climate, and jobs
16 programs and funding resources to achieve complementary
17 impact. An effective planning process may:

18 (1) help communities discover ways that their local
19 government, businesses, and residents can control their
20 energy use and lower their bills;

21 (2) ensure a cost-effective transition away from
22 fossil fuels in the transportation sector;

23 (3) expand access to workforce development and job
24 training opportunities for disadvantaged workers in the
25 emerging clean energy economy;

1 (4) incentivize the creation and retention of quality
2 Illinois jobs (when federal funds are not involved) in the
3 emerging clean energy economy;

4 (5) incentivize the creation and retention of quality
5 U.S. jobs in the emerging clean energy economy;

6 (6) promote economic development through improvements
7 in community infrastructure, transit, and support for
8 local business;

9 (7) improve the health of Illinois communities,
10 especially eligible communities, by reducing emissions,
11 addressing existing brownfield areas, and promoting the
12 integration of distributed energy resources;

13 (8) enable greater customer engagement, empowerment,
14 and options for energy services, and ultimately reduce
15 utility bills for Illinoisans;

16 (9) bring the benefits of grid modernization and the
17 deployment of distributed energy resources to economically
18 disadvantaged communities and eligible communities
19 throughout Illinois;

20 (10) support existing Illinois policy goals promoting
21 energy efficiency, demand response, and investments in
22 renewable energy resources;

23 (11) enable communities to better respond to extreme
24 heat and cold emergencies;

25 (12) explore opportunities to expand and improve
26 recreational amenities, wildlife habitat, flood

1 mitigation, agricultural production, tourism, and similar
2 co-benefits by deploying natural climate solutions and
3 nature-based approaches for climate adaptation; and

4 (13) ensure eligible persons, minorities, women,
5 people with disabilities, and veterans meaningfully
6 participate in the transition to a clean energy economy.

7 (c) A Community Energy, Climate, and Jobs Plan may include
8 discussion of:

9 (1) the demographics of the community, including
10 information on the mix of residential and commercial areas
11 and populations, ages, languages, education, and workforce
12 training, including an examination of the average utility
13 bills paid within the community by class and zip code, the
14 percentage and locations of individuals requiring energy
15 assistance, and participation of community members in
16 other assistance programs;

17 (2) an examination of the community's energy use, for
18 electricity, natural gas, transportation, and other fuels;

19 (3) the geography of the community, including the
20 amount of green space, brownfield sites, farmland,
21 waterways, flood zones, heat islands, areas for potential
22 development, location of critical infrastructure such as
23 emergency response facilities, health care and education
24 facilities, and public transportation routes;

25 (4) information on economic development opportunities,
26 commercial usage, and employment opportunities;

1 (5) the current status of zero emission vehicles
2 operated by or on behalf of public agencies within the
3 community; and

4 (6) other topics deemed applicable by the community.

5 (d) A Community Energy, Climate, and Jobs Plan may address
6 the following areas:

7 (1) distributed energy resources, including energy
8 efficiency, demand response, dynamic pricing, energy
9 storage, and solar (thermal, rooftop, and community);

10 (2) building codes, both commercial and residential;

11 (3) alternative transportation funding;

12 (4) transit options, including individual car
13 ownership, ridesharing, buses, trains, bicycles, and
14 pedestrian walkways;

15 (5) community assets related to extreme heat and cold
16 emergencies, such as cooling and warming centers;

17 (6) public agency procurements of zero emission,
18 electric vehicles; and

19 (7) networks of natural resources and infrastructure.

20 (e) A Community Energy, Climate, and Jobs Plan may
21 conclude with proposals to:

22 (1) increase the use of electricity as a
23 transportation fuel at multi-unit dwellings;

24 (2) maximize the system-wide benefits of
25 transportation electrification;

26 (3) direct public agencies to implement tools, such as

1 the U.S. Employment Plan or a Local Employment Plan, to
2 incentivize manufacturers in clean energy industries to
3 create and retain quality jobs and invest in training,
4 workforce development, and apprenticeship programs in
5 connection to a major contract;

6 (4) test innovative load management programs or rate
7 structures associated with the use of electric vehicles by
8 residential customers to achieve customer fuel cost
9 savings relative to gasoline or diesel fuels and to
10 optimize grid efficiency;

11 (5) increase the integration of distributed energy
12 resources in the community;

13 (6) significantly expand the percentage of net-zero
14 housing and net-zero buildings in the community;

15 (7) improve utility bill affordability;

16 (8) increase mass transit ridership;

17 (9) decrease vehicle miles traveled;

18 (10) reduce local emissions of greenhouse gases, NO_x,
19 SO_x, particulate matter, and other air pollutants;

20 (11) improve community assets that help residents
21 respond to extreme heat and cold emergencies; and

22 (12) expand opportunities for eligible persons,
23 minorities, women, people with disabilities, and veterans
24 to meaningfully participate in the transition to a clean
25 energy economy.

26 (f) A Community Energy, Climate, and Jobs Plan may be

1 administered by one or more program administrators or the
2 local unit of government.

3 Section 15-20. Community Energy, Climate, and Jobs
4 Planning process.

5 (a) An effective planning process shall engage a diverse
6 set of stakeholders in local communities, including:
7 environmental justice organizations; economic development
8 organizations; faith-based nonprofit organizations;
9 educational institutions; interested residents; health care
10 institutions; tenant organizations; housing institutions,
11 developers, and owners; elected and appointed officials; and
12 representatives reflective of each local community.

13 (b) An effective planning process shall engage individual
14 members of the community to the extent possible to ensure that
15 the Plans receive input from as diverse a set of perspectives
16 as possible.

17 (c) Plan materials and meetings related to the Plan shall
18 be translated into languages that reflect the makeup of the
19 local community.

20 (d) The planning process shall be conducted in an ethical,
21 transparent fashion, and continually review its policies and
22 practices to determine how best to meet its objectives.

23 (e) The Community, Energy, and Climate Plans shall take
24 into account other applicable or relevant economic development
25 plans, such as a Comprehensive Economic Development Strategy,

1 developed by a local unit of government, economic development
2 organization, or Regional Planning Council.

3 Section 15-25. Joint Community Energy, Climate, and Jobs
4 Plans. A local unit of government may join with any other local
5 unit of government, or with any public or private person, or
6 with any number or combination thereof, under the
7 Intergovernmental Cooperation Act, by contract or otherwise as
8 may be permitted by law, for the implementation of a Community
9 Energy, Climate, and Jobs Plan, in whole or in part.

10 Section 15-90. Repealer. This Act is repealed 24 years
11 after the effective date of this Act.

12 Article 20. Illinois Clean Energy
13 Jobs and Justice Fund Act

14 Section 20-1. Short title. This Article may be cited as
15 the Clean Energy Jobs and Justice Fund Act. References in this
16 Article to "this Act" mean this Article.

17 Section 20-5. Purpose. The purpose of this Act is to
18 promote the health, welfare, and prosperity of all the
19 residents of this State by ensuring access to financial
20 products that allow Illinois residents and businesses to
21 invest in clean energy. Furthermore, the Clean Energy Jobs and

1 Justice Fund, is designed to fill the following purposes:

2 (1) ensure that the benefits of the clean energy
3 economy are equitably distributed;

4 (2) make clean energy accessible to all through the
5 provision of innovative financing opportunities and grants
6 for Minority Business Enterprises (MBE) and other
7 contractors of color, and for low-income, environmental
8 justice, and BIPOC communities and the businesses that
9 serve these communities;

10 (3) prioritize the provision of public and private
11 capital for clean energy investment to MBEs and other
12 contractors of color, and to businesses serving
13 low-income, environmental justice, and BIPOC communities;

14 (4) accelerate the flow of private capital into clean
15 energy markets;

16 (5) assist low-income, environmental justice, and
17 BIPOC community utility customers in paying for solar and
18 energy efficiency upgrades through energy cost savings;

19 (6) increase access to no-cost and low-cost loans for
20 MBE and other contractors of color;

21 (7) develop financing products designed to compensate
22 for historical and structural barriers preventing
23 low-income, environmental justice, and BIPOC communities
24 from accessing traditional financing;

25 (8) leverage private investment in clean energy
26 projects and in projects developed by MBEs and other

1 contractors of color; and

2 (9) pursue financial self-sustainability through
3 innovative financing products.

4 Section 20-10. Definitions. As used in this Act:

5 "Black, indigenous, and people of color" or "BIPOC" means
6 people who are members of the groups described in
7 subparagraphs (a) through (e) of paragraph (A) of subsection
8 (1) of Section 2 of the Business Enterprise for Minorities,
9 Women, and Persons with Disabilities Act.

10 "Board" means the Board of Directors of the Clean Energy
11 Jobs and Justice Fund.

12 "Contractor of color" means a business entity that is at
13 least 51% owned by one or more BIPOC persons, or in the case of
14 a corporation, at least 51% of the corporation's stock is
15 owned by one or more BIPOC persons, and the management and
16 daily business operations of which are controlled by one or
17 more of the BIPOC persons who own it. A contractor of color may
18 also be a nonprofit entity with a board of directors composed
19 of at least 51% BIPOC persons or a nonprofit entity certified
20 by the State of Illinois to be minority-led.

21 "Environmental justice communities" means the definition
22 of that term based on existing methodologies and findings used
23 by the Illinois Power Agency and its Administrator of the
24 Illinois Solar for All Program.

25 "Fund" means the Clean Energy Jobs and Justice Fund.

1 "Low-income" means households whose income does not exceed
2 80% of Area Median Income (AMI), adjusted for family size and
3 revised every 5 years.

4 "Low-income community" means a census tract where at least
5 half of households are low-income.

6 "Minority-owned business enterprise" or "MBE" means a
7 business certified as such by an authorized unit of government
8 or other authorized entity in Illinois.

9 "Municipality" means a city, village, or incorporated
10 town.

11 "Person" means any natural person, firm, partnership,
12 corporation, either domestic or foreign, company, association,
13 limited liability company, joint stock company, or association
14 and includes any trustee, receiver, assignee, or personal
15 representative thereof.

16 Section 20-15. Clean Energy Jobs and Justice Fund.

17 (a) Not later than 30 days after the effective date of this
18 Act, there shall be incorporated a nonprofit corporation to be
19 known as the "Clean Energy Jobs and Justice Fund".

20 (b) The Fund shall not be an agency or instrumentality of
21 the State Government.

22 (c) The full faith and credit of the State of Illinois
23 shall not extend to the Fund.

24 (d) The Fund shall:

25 (1) Be an organization described in subsection (c) of

1 Section 501 of the Internal Revenue Code of 1986 and
2 exempt from taxation under subsection (a) of Section 501
3 of that Code;

4 (2) Ensure that no part of the income or assets of the
5 Fund shall inure to the benefit of any director, officer,
6 or employee, except as reasonable compensation for
7 services or reimbursement for expenses; and

8 (3) Not contribute to or otherwise support any
9 political party or candidate for elective office.

10 Section 20-20. Board of Directors.

11 (a) The Fund shall be managed by, and its powers,
12 functions, and duties shall be exercised through, a Board to
13 be composed of 11 members. The initial members of the Board
14 shall be appointed by the Governor with the advice and consent
15 of the Senate within 60 days after the effective date of this
16 Act. Members of the Board shall be broadly representative of
17 the communities that the Fund is designed to serve. Of such
18 members:

19 (1) at least one member shall be selected from each of
20 the following geographic regions in the State: northeast,
21 northwest, central, and southern;

22 (2) at least 2 members shall have experience in
23 providing energy-related services to low-income,
24 environmental justice, or BIPOC communities;

25 (3) at least one member shall own or be employed by an

1 MBE or BIPOC-owned business focused on the deployment of
2 clean energy;

3 (4) at least one member shall be a policy or
4 implementation expert in serving low-income, environmental
5 justice or BIPOC communities or individuals, including
6 environmental justice communities, BIPOC communities,
7 formerly convicted persons, persons who are or were in the
8 child welfare system, displaced energy workers, gender
9 nonconforming and transgender individuals, or youth; and

10 (5) at least one member shall be from a
11 community-based organization with a specific mission to
12 support racially and socioeconomically diverse
13 environmental justice communities.

14 (a-5) The terms of the initial members of the Board shall
15 be as follows:

16 (1) 5 members appointed and confirmed shall have
17 initial 5-year terms;

18 (2) 3 members appointed and confirmed shall have
19 initial 4-year terms; and

20 (3) 3 members appointed and confirmed shall have
21 initial 3-year terms.

22 (b) Subsequent composition and terms.

23 (1) Except for the selection of the initial members of
24 the Board for their initial terms under paragraph (1) of
25 subsection (a) of this Section, the members of the Board
26 shall be elected by the members of the Board.

1 (2) A member of the Board shall be disqualified from
2 voting for any position on the Board for which such member
3 is a candidate.

4 (3) All members elected pursuant to paragraph (2) of
5 subsection (a) of this Section shall have a term of 5
6 years.

7 (c) The members of the Board shall be broadly
8 representative of the communities that the Fund is designed to
9 serve and shall collectively have expertise in environmental
10 justice, energy efficiency, distributed renewable energy,
11 workforce development, finance and investments, clean
12 transportation, and climate resilience. Of such members:

13 (1) not fewer than 2 shall be selected from each of the
14 following geographic regions in the State: northeast,
15 northwest, central, and southern;

16 (2) not fewer than 2 shall be from an MBE or
17 BIPOC-owned business focused on the deployment of clean
18 energy;

19 (3) not fewer than 2 shall be from a community-based
20 organization with a specific mission to support racially
21 and socioeconomically diverse environmental justice
22 communities; and

23 (4) not fewer than 2 shall be from an organization
24 specializing in providing energy-related services to
25 low-income, environmental justice, or BIPOC communities.

26 (5) Members of the Board can fulfill multiple

1 criteria, such as representing the southern region and an
2 MBE or BIPOC-owned business focused on the deployment of
3 clean energy.

4 (d) No officer or employee of the State or any other level
5 of government may be appointed or elected as a member of the
6 Board.

7 (e) Seven members of the Board shall constitute a quorum.

8 (f) The Board shall adopt, and may amend, such bylaws as
9 are necessary for the proper management and functioning of the
10 Fund. Such bylaws shall include designation of officers of the
11 Fund and the duties of such officers.

12 (g) No person who is an employee in any managerial or
13 supervisory capacity, director, officer or agent or who is a
14 member of the immediate family of any such employee, director,
15 officer, or agent of any public utility is eligible to be a
16 director. No director may hold any elective position, be a
17 candidate for any elective position, be a State public
18 official, be employed by the Illinois Commerce Commission, or
19 be employed in a governmental position exempt from the
20 Illinois Personnel Code.

21 (h) No director, nor member of his or her immediate family
22 shall, either directly or indirectly, be employed for
23 compensation as a staff member or consultant of the Fund.

24 (i) The Board shall hold regular meetings at least once
25 every 3 months on such dates and at such places as it may
26 determine. Meetings may be held by teleconference or

1 videoconference. Special meetings may be called by the
2 president or by a majority of the directors upon at least 7
3 days' advance written notice. The act of the majority of the
4 directors, present at a meeting at which a quorum is present,
5 shall be the act of the Board of Directors unless the act of a
6 greater number is required by this Act or bylaws. A summary of
7 the minutes of every Board meeting shall be made available to
8 each public library in the State upon request and to
9 individuals upon request. Board of Directors meeting minutes
10 shall be posted on the Fund's website within 14 days after
11 Board approval of the minutes.

12 (j) A director may not receive any compensation for his or
13 her services but shall be reimbursed for necessary expenses,
14 including travel expenses incurred in the discharge of duties.
15 The Board shall establish standard allowances for mileage,
16 room and meals and the purposes for which such allowances may
17 be made and shall determine the reasonableness and necessity
18 for such reimbursements.

19 (k) In the event of a vacancy on the Board, the Board of
20 Directors shall appoint a temporary member, consistent with
21 the requirements of the Board composition, to serve the
22 remainder of the term for the vacant seat.

23 (l) The Board shall adopt rules for its own management and
24 government, including bylaws and a conflict of interest
25 policy.

26 (m) The Board of Directors of the Fund shall adopt written

1 procedures for:

2 (1) adopting an annual budget and plan of operations,
3 including a requirement of Board approval before the
4 budget or plan may take effect;

5 (2) hiring, dismissing, promoting, and compensating
6 employees of the Fund, including an affirmative action
7 policy and a requirement of Board approval before a
8 position may be created or a vacancy filled;

9 (3) acquiring real and personal property and personal
10 services, including a requirement of Board approval for
11 any non-budgeted expenditure in excess of \$5,000;

12 (4) contracting for financial, legal, bond
13 underwriting and other professional services, including
14 requirements that the Fund (i) solicit proposals at least
15 once every 3 years for each such service that it uses, and
16 (ii) ensure equitable contracting with diverse suppliers;

17 (5) issuing and retiring bonds, bond anticipation
18 notes, and other obligations of the Fund; and

19 (6) awarding loans, grants and other financial
20 assistance, including (i) eligibility criteria, the
21 application process and the role played by the Fund's
22 staff and Board of Directors, and (ii) ensuring racial
23 equity in the awarding of loans, grants, and other
24 financial assistance.

25 (n) The Board shall develop a robust set of metrics to
26 measure the degree to which the program is meeting the

1 purposes set forth in Section 20-5 of this Act, and especially
2 measuring adherence to the racial equity purposes set forth
3 there, and a reporting format and schedule to be adhered to by
4 the Fund officers and staff. These metrics and reports shall
5 be posted quarterly on the Fund's website.

6 (o) The Board of Directors has the responsibility to make
7 program adjustments necessary to ensure that the Clean Energy
8 Jobs and Justice Fund is meeting the purposes set forth in this
9 Act. Fund officers and staff and the Board of Directors are
10 responsible for ensuring capital providers and Fund officers
11 and staff, partners, and financial institutions are held to
12 state and federal standards for ethics and predatory lending
13 practices and shall immediately remove any offending products
14 and sponsoring organizations from Fund participation.

15 (p) The Board shall issue annually a report reviewing the
16 activities of the Fund in detail and shall provide a copy of
17 such report to the joint standing committees of the General
18 Assembly having cognizance of matters relating to energy and
19 commerce. The report shall be published on the Fund's website
20 within 3 days after its submission to the General Assembly.

21 Section 20-25. Powers and duties.

22 (a) The Fund shall endeavor to perform the following
23 actions, but is not limited to these specified actions:

24 (1) Develop programs to finance and otherwise support
25 clean energy investment and projects as determined by the

1 Fund in keeping with the purposes of this Act.

2 (2) Support financing or other expenditures that
3 promote investment in clean energy sources in order to (i)
4 foster the development and commercialization of clean
5 energy projects, including projects serving low-income,
6 environmental justice, and BIPOC communities, and (ii)
7 support project development by MBE and other contractors
8 of color.

9 (3) Prioritize the provision of public and private
10 capital for clean energy investment to MBEs and other
11 contractors of color, and to clean energy investment in
12 low-income, environmental justice, and BIPOC communities.

13 (4) Provide access to grants, no-cost, and low-cost
14 loans to MBEs and other contractors of color, including
15 those participating in the Clean Energy Primes Contractor
16 Accelerator Program.

17 (5) Provide financial assistance in the form of
18 grants, loans, loan guarantees or debt and equity
19 investments, as approved in accordance with written
20 procedures.

21 (6) Assume or take title to any real property, convey
22 or dispose of its assets and pledge its revenues to secure
23 any borrowing, convey or dispose of its assets and pledge
24 its revenues to secure any borrowing, for the purpose of
25 developing, acquiring, constructing, refinancing,
26 rehabilitating or improving its assets or supporting its

1 programs, provided each such borrowing or mortgage, unless
2 otherwise provided by the Board or the Fund, shall be a
3 special obligation of the Fund, which obligation may be in
4 the form of bonds, bond anticipation notes, or other
5 obligations that evidence an indebtedness to the extent
6 permitted under this Act to fund, refinance and refund the
7 same and provide for the rights of holders thereof, and to
8 secure the same by pledge of revenues, notes and mortgages
9 of others, and which shall be payable solely from the
10 assets, revenues and other resources of the Fund and such
11 bonds may be secured by a special capital reserve fund
12 contributed to by the State.

13 (7) Contract with community-based organizations to
14 design and implement program marketing, communications,
15 and outreach to potential users of the Fund's products,
16 particularly potential users in low-income, environmental
17 justice, and BIPOC communities. These contracts shall
18 include funding to ensure that the contracted
19 community-based organizations provide materials and
20 outreach support, including payments for time and
21 expenses, to other community organizations, professional
22 organizations, and subcontractors that have an interest in
23 the Fund's financial products.

24 (8) Collect the following data and perform monthly and
25 quarterly reporting to the Board in accordance with the
26 reporting format and schedule developed by the Board of

1 Directors:

2 (A) baseline data on capital sources or providers,
3 loan recipients, projects funded, loan terms, and
4 other relevant financial data;

5 (B) diversity and equity data, including race,
6 gender, socioeconomic, and geographic region; and

7 (C) program administration and servicing data.

8 These reports shall be published to the Fund's website
9 monthly and quarterly. Reports published to the
10 website may be anonymized to protect the data of
11 individual program participants.

12 (9) Have the purposes as provided by resolution of the
13 Fund's Board of Directors, which purposes shall be
14 consistent with this Section and Section 20-5 of this Act.
15 No further action is required for the establishment of the
16 Fund, except the adoption of a resolution for the Fund.

17 (b) In addition to, and not in limitation of, any other
18 power of the Fund set forth in this Section or any other
19 provision of the general statutes, the Fund shall have and may
20 exercise the following powers in furtherance of or in carrying
21 out its purposes:

22 (1) have perpetual succession as a body corporate and
23 to adopt bylaws, policies, and procedures for the
24 regulation of its affairs and the conduct of its business;

25 (2) make and enter into all contracts and agreements
26 that are necessary or incidental to the conduct of its

1 business;

2 (3) invest in, acquire, lease, purchase, own, manage,
3 hold, sell, and dispose of real or personal property or
4 any interest therein;

5 (4) borrow money or guarantee a return to investors or
6 lenders;

7 (5) hold patents, copyrights, trademarks, marketing
8 rights, licenses, or other rights in intellectual
9 property;

10 (6) employ such assistants, agents, and employees as
11 may be necessary or desirable; establish all necessary or
12 appropriate personnel practices and policies, including
13 those relating to hiring, promotion, compensation and
14 retirement, and engage consultants, attorneys, financial
15 advisers, appraisers, and other professional advisers as
16 may be necessary or desirable;

17 (7) invest any funds not needed for immediate use or
18 disbursement pursuant to investment policies adopted by
19 the Fund's Board of Directors;

20 (8) procure insurance against any loss or liability
21 with respect to its property or business of such types, in
22 such amounts and from such insurers as it deems desirable;

23 (9) enter into joint ventures and invest in, and
24 participate with any person, including, without
25 limitation, government entities and private corporations,
26 in the formation, ownership, management and operation of

1 business entities, including stock and nonstock
2 corporations, limited liability companies and general or
3 limited partnerships, formed to advance the purposes of
4 the Fund, provided members of the Board of Directors or
5 officers or employees of the Fund may serve as directors,
6 members or officers of any such business entity, and such
7 service shall be deemed to be in the discharge of the
8 duties or within the scope of the employment of any such
9 director, officer or employee, as the case may be, so long
10 as such director, officer or employee does not receive any
11 compensation or financial benefit as a result of serving
12 in such role; and

13 (10) all other acts necessary or convenient to carry
14 out the purposes of this Act.

15 (c) Before making any loan, loan guarantee, or such other
16 form of financing support or risk management for a clean
17 energy project, the Fund shall develop standards to govern the
18 administration of the Fund through rules, policies, and
19 procedures that specify borrower eligibility, terms, and
20 conditions of support, and other relevant criteria, standards,
21 or procedures.

22 (d) Funding sources specifically authorized include, but
23 are not limited to:

24 (1) funds repurposed from existing programs providing
25 financing support for clean energy projects, provided any
26 transfer of funds from such existing programs shall be

1 subject to approval by the General Assembly and shall be
2 used for expenses of financing, grants, and loans;

3 (2) any federal funds that can be used for the
4 purposes specified in this Act;

5 (3) charitable gifts, grants, contributions, as well
6 as loans from individuals, corporations, university
7 endowment funds, and philanthropic foundations; and

8 (4) earnings and interest derived from financing
9 support activities for clean energy projects backed by the
10 Fund.

11 (e) The Fund may enter into agreements with private
12 sources to raise capital.

13 (f) The Fund may assess reasonable fees on its financing
14 activities to cover its reasonable costs and expenses, as
15 determined by the Board.

16 (g) The Fund shall make information regarding the rates,
17 terms and conditions for all of its financing support
18 transactions available to the public for inspection, including
19 formal annual reviews by both a private auditor conducted
20 pursuant this Section and the Comptroller, and provide details
21 to the public on the Internet, provided public disclosure
22 shall be restricted for patentable ideas, trade secrets,
23 proprietary or confidential commercial or financial
24 information, disclosure of which may cause commercial harm to
25 a nongovernmental recipient of such financing support and for
26 other information exempt from public records disclosure.

1 (h) The powers enumerated in this Section shall be
2 interpreted broadly to effectuate the purposes established in
3 this Section and shall not be construed as a limitation of
4 powers.

5 Section 20-30. Primary responsibilities in early program
6 development.

7 (a) Consistent with the goals of this Act, the Fund has the
8 authority to pursue a broad range of financial products and
9 services. In early development of products and services
10 offered, the Fund should consider the following programs as
11 its initial set of investment initiatives:

12 (1) a solar lease, power-purchase agreement, or
13 loan-to-own product specifically designed to complement
14 and grow the Illinois Solar for All Program;

15 (2) direct capitalization of contractors of color
16 participating in or graduating from the workforce and
17 business development programs established in the Energy
18 Transition Act;

19 (3) providing direct capitalization of community-based
20 projects in environmental justice communities through
21 upfront grants. Project applications should provide a
22 community benefit, align with environmental justice
23 communities, be in support of this Act's contractor and
24 workforce development goals, and support upfront planning,
25 development, and start up costs that often are not covered

1 prior to applying for program incentives and other loan
2 products;

3 (4) providing loan loss reserve products to secure
4 stable and low-interest financing for individual projects
5 and portfolios consistent with the goals of this Act that
6 would be otherwise unable to receive financing; and

7 (5) offering financing and administrative services for
8 municipal utilities and rural electric cooperatives to
9 create their own version of the on-bill Equitable Energy
10 Upgrade Program such as the Pay As You Save program
11 developed by the Energy Efficiency Institute.

12 Section 20-35. Executive director and fund management.

13 (a) The executive director hired by the Board shall have
14 the same qualifications as a director pursuant to subsections
15 (d), (g), and (h) of Section 20-20 of this Act. The executive
16 director may not be a candidate for the Board of Directors
17 while serving as executive director. The executive director
18 must have 5 or more years of experience in equitable and
19 inclusive financing serving racially and socioeconomically
20 diverse communities.

21 (b) To hire the executive director, the Board shall adhere
22 to any applicable State or federal law prohibiting
23 discrimination in employment.

24 (c) The Board shall require all applicants for the
25 position of executive director of the Fund to file a financial

1 statement consistent with requirements established by the
2 Board. The Board shall require the executive director to file
3 a current statement annually.

4 (d) The Fund shall be administered by the executive
5 director and the staff and overseen by the Board of Directors.
6 Fund officers and staff shall receive training in how to best
7 provide services and support to low-income, environmental
8 justice, and BIPOC communities and on supporting borrowers
9 with loan applications, loan underwriting, and loan services.

10 Section 20-40. Dissolution. The Fund may dissolve or be
11 dissolved under the General Not for Profit Corporation Act.

12 Section 20-90. Repealer. This Act is repealed 24 years
13 after the effective date of this Act.

14 Article 90.

15 Section 90-1. Legislative findings. The General Assembly
16 finds and declares:

17 (1) The overall objectives of regulation of the
18 electric utility industry in this State, as expressed by
19 the General Assembly in the Illinois Power Agency Act and
20 the Public Utilities Act, include the provision of
21 adequate, efficient, reliable, environmentally safe, and
22 least-cost utility services at prices that accurately

1 reflect the long-term cost of such services and that are
2 equitable to all citizens.

3 (2) For many years, a significant portion of the
4 electricity consumed by consumers and businesses in this
5 State, particularly in the downstate region, has been
6 produced by large coal-fueled electric generating stations
7 located in the downstate region. However, in recent years,
8 the prices for electric generating capacity and energy
9 available to coal-fueled electric generating stations
10 located in the downstate region of this State have been
11 insufficient to enable many electric generating facilities
12 located within the downstate region to remain in
13 operation, and have placed other electric generating
14 stations at risk of closure. Changes in environmental
15 regulations and, significantly, increasing concerns about
16 the effects of carbon emissions on the climate, have also
17 contributed to the retirement of coal-fueled generating
18 stations in the downstate region. As a result, the vast
19 majority of the coal-fueled generation located in
20 Illinois, and particularly in the downstate region, has
21 recently been retired or will be retired by no later than
22 the end of 2027.

23 (3) Reliable electric service at all times is
24 essential to the functioning of a modern economy and of
25 society in general. The health, welfare, and prosperity of
26 Illinois citizens, including the attractiveness of the

1 State of Illinois to business and industry, requires the
2 availability of sufficient electric generating capacity,
3 including energy storage capacity, to meet the demands of
4 consumers and businesses in this State at all times.
5 However, to a significant extent, electricity, when
6 generated, cannot be stored for future use in any
7 significant amount relative to the total amount of
8 electricity that existing generating facilities can
9 produce. Rather, for the most part, electricity must be
10 produced instantaneously at the time and in the amount
11 that it is demanded by residential and business consumers.
12 The development of energy storage facilities provides some
13 opportunity to store some amounts of electricity for use
14 at later times; but energy storage facilities with
15 sufficient capacity to deliver electricity to meet the
16 demands of consumers in this State, 24 hours per day, 7
17 days per week on every day of the year, have not yet been
18 built.

19 (4) Both the Midcontinent Independent System Operator,
20 Inc., which is the independent transmission system
21 operator for downstate Illinois, and its Independent
22 Market Monitor, have expressed concerns about the
23 sufficiency of electric generating resources in downstate
24 Illinois over the next several years, due primarily to the
25 announced and anticipated retirements of coal-fueled
26 electric generating facilities and concerns about how

1 quickly and extensively new wind and solar generating
2 facilities will be placed into service. Concerns have also
3 been expressed, based on the intermittent nature of wind
4 and solar generating facilities, as to whether the grid
5 can operate reliably without sufficient dispatchable
6 generation resources or significant additions of energy
7 storage facilities to balance the output of renewable
8 generating facilities. The General Assembly believes that
9 the State cannot afford to find itself in a situation of
10 insufficient electric generating resources to meet the
11 needs of Illinois residential and business consumers 24
12 hours a day, 7 days a week. Thus, consistent with the
13 overall objectives of the regulation of the electric
14 utility industry in this State and the interests of the
15 State in protecting the health and welfare of its
16 residents, regulation should ensure that sufficient
17 generating resources, including energy storage resources,
18 are available to enable the electric utility grid to meet
19 the demands of Illinois electricity consumers at all
20 times.

21 (5) Through previous enactments beginning in 2007, the
22 General Assembly has provided financial incentives for the
23 construction and operation of wind, solar, and other types
24 of renewable energy facilities to serve load in Illinois.
25 In such enactments, the General Assembly has recognized
26 that providing opportunities to enter into long-term

1 contracts for the purchase of renewable energy credits
2 from renewable energy facilities creates incentives, and
3 in fact is necessary, for the construction and operation
4 of such resources. Developers typically cannot,
5 financially, develop new, large-scale renewable energy
6 generating resources without having secured long-term
7 contracts for the renewable energy credits that the new
8 facilities will produce.

9 (6) The permitting and siting of new wind and solar
10 generating facilities in Illinois are subject to local
11 governmental control, and in many areas of this State,
12 there has been strong opposition to the siting and
13 construction of new utility-scale wind and solar
14 generating facilities, which in turn has resulted in the
15 denial of, or withdrawal of requests for, necessary
16 approvals for some projects and the enactment of local
17 zoning ordinances imposing requirements and restrictions
18 that increase the costs and reduce the economic
19 attractiveness of such projects. This has resulted in
20 delay or cancellation of a number of renewable energy
21 projects. This experience demonstrates the advantages of
22 targeting the installation of new utility-scale renewable
23 energy facilities at sites that are already suitable for
24 installation of such facilities and can be readily
25 permitted.

26 (7) In light of the intermittent nature of many types

1 of renewable energy facilities, such as wind and solar
2 generation, the installation and operation of electricity
3 storage facilities in conjunction with the installation
4 and operation of renewable generation facilities can
5 enhance the value of renewable energy resources to the
6 electric grid.

7 (8) The sites of many of the large coal-fueled
8 electric generating stations located in the downstate
9 region of this State that have recently been retired or
10 announced for retirement, or are at risk of retirement,
11 have existing infrastructure and other characteristics
12 which make them suitable potential sites for development
13 of new renewable energy generating facilities and
14 electricity storage facilities. This infrastructure and
15 other characteristics include large amounts of available
16 land situated at a suitable distance from populated areas,
17 suitable levels of exposure to sunlight, and high voltage
18 interconnections to nearby bulk electric system
19 transmission grid facilities at strategic locations.
20 Development of these generating plant sites for
21 large-scale renewable energy generating facilities,
22 particularly photovoltaic facilities which require large
23 amounts of space, and electricity storage facilities, can
24 help advance this State's objective of increasing the
25 portion of the State's total electricity usage that is
26 supplied by zero emission resources, and reducing the

1 proportion of the electricity produced in this State that
2 is produced by carbon-emitting resources, while supporting
3 the reliability of electric service in the downstate
4 region. Accordingly, the General Assembly finds that it is
5 in the public interest to encourage the redevelopment of
6 the sites of retired and still-operating coal-fueled
7 electric generating stations as locations for renewable
8 energy generating facilities and electricity storage
9 facilities.

10 (9) Many, if not all, of the coal-fueled electric
11 generating plants in this State that have recently been
12 retired or announced for retirement, or are at near-term
13 risk of retirement, were at one time owned, at whole or in
14 part, by a public utility as defined in Section 3-105 of
15 the Public Utilities Act and were thereby devoted to
16 public service and the public use in Illinois, with their
17 costs paid for by rates paid by public utility ratepayers
18 in Illinois. The General Assembly finds that it is
19 appropriate to provide incentives to the owners of the
20 sites of coal-fueled electric generating facilities in
21 this State that were once owned by public utilities, to
22 repurpose those sites in a manner that continues to
23 benefit the public by providing for the generation of
24 carbon-free, non-emitting electricity and reliable bulk
25 electric service.

26 (10) The General Assembly finds it is appropriate for

1 the State of Illinois to establish a program to provide
2 incentives for the installation and operation of new
3 renewable energy facilities, along with energy storage
4 facilities, at the sites of retired and at-risk
5 coal-fueled electric generating facilities in this State,
6 to help expedite the transition of this State's electric
7 generation fleet to lower-emitting resources while
8 ensuring the availability of sufficient electric energy
9 resources to meet the demands of residential and business
10 electricity consumers in this State.

11 (11) In light of the foregoing findings, the purpose
12 of the program established in subsection (c-5) of Section
13 1-75 of the Illinois Power Agency Act is to incentivize
14 and support conversion and development of unused (or to be
15 unused) sites of recently retired and soon to-be-retired
16 coal-fueled power plants in this State to productive new
17 uses as sites for the generation and provision of
18 electricity from renewable energy facilities and energy
19 storage facilities, thereby contributing to the State's
20 efforts to reduce carbon emissions from facilities in this
21 State and increase the production of the State's
22 electricity needs from clean energy resources. The
23 provisions of this Act also will support the reliability
24 of the bulk power grid in this State by incentivizing and
25 supporting installation of new generating facilities and
26 energy storage facilities at locations on the grid where

1 synchronous generation was formerly located.

2 Section 90-3. The Illinois Administrative Procedure Act is
3 amended by adding 5-45.9 as follows:

4 (5 ILCS 100/5-45.9 new)

5 Sec. 5-45.9. Emergency rulemaking; Multi-Year Integrated
6 Grid Plans. To provide for the expeditious and timely
7 implementation of Section 16-105.17 of the Public Utilities
8 Act, emergency rules implementing Section 16-105.17 of the
9 Public Utilities Act may be adopted in accordance with Section
10 5-45 by the Illinois Commerce Commission. The adoption of
11 emergency rules authorized by Section 5-45 and this Section is
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 This Section is repealed one year after the effective date
15 of this amendatory Act of the 102nd General Assembly.

16 Section 90-5. The Illinois Governmental Ethics Act is
17 amended by adding Section 1-121 and by changing Sections
18 4A-102 and 4A-103 as follows:

19 (5 ILCS 420/1-121 new)

20 Sec. 1-121. Public utility. "Public utility" has the
21 meaning provided in Section 3-105 of the Public Utilities Act.

1 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

2 Sec. 4A-102. The statement of economic interests required
3 by this Article shall include the economic interests of the
4 person making the statement as provided in this Section. The
5 interest (if constructively controlled by the person making
6 the statement) of a spouse or any other party, shall be
7 considered to be the same as the interest of the person making
8 the statement. Campaign receipts shall not be included in this
9 statement.

10 (a) The following interests shall be listed by all
11 persons required to file:

12 (1) The name, address and type of practice of any
13 professional organization or individual professional
14 practice in which the person making the statement was
15 an officer, director, associate, partner or
16 proprietor, or served in any advisory capacity, from
17 which income in excess of \$1200 was derived during the
18 preceding calendar year;

19 (2) The nature of professional services (other
20 than services rendered to the unit or units of
21 government in relation to which the person is required
22 to file) and the nature of the entity to which they
23 were rendered if fees exceeding \$5,000 were received
24 during the preceding calendar year from the entity for
25 professional services rendered by the person making
26 the statement.

1 (3) The identity (including the address or legal
2 description of real estate) of any capital asset from
3 which a capital gain of \$5,000 or more was realized in
4 the preceding calendar year.

5 (4) The name of any unit of government which has
6 employed the person making the statement during the
7 preceding calendar year other than the unit or units
8 of government in relation to which the person is
9 required to file.

10 (5) The name of any entity from which a gift or
11 gifts, or honorarium or honoraria, valued singly or in
12 the aggregate in excess of \$500, was received during
13 the preceding calendar year.

14 (b) The following interests shall also be listed by
15 persons listed in items (a) through (f), item (l), item
16 (n), and item (p) of Section 4A-101:

17 (1) The name and instrument of ownership in any
18 entity doing business in the State of Illinois, in
19 which an ownership interest held by the person at the
20 date of filing is in excess of \$5,000 fair market value
21 or from which dividends of in excess of \$1,200 were
22 derived during the preceding calendar year. (In the
23 case of real estate, location thereof shall be listed
24 by street address, or if none, then by legal
25 description). No time or demand deposit in a financial
26 institution, nor any debt instrument need be listed;

1 (2) Except for professional service entities, the
2 name of any entity and any position held therein from
3 which income of in excess of \$1,200 was derived during
4 the preceding calendar year, if the entity does
5 business in the State of Illinois. No time or demand
6 deposit in a financial institution, nor any debt
7 instrument need be listed.

8 (3) The identity of any compensated lobbyist with
9 whom the person making the statement maintains a close
10 economic association, including the name of the
11 lobbyist and specifying the legislative matter or
12 matters which are the object of the lobbying activity,
13 and describing the general type of economic activity
14 of the client or principal on whose behalf that person
15 is lobbying.

16 (c) The following interests shall also be listed by
17 persons listed in items (a) through (c) and item (e) of
18 Section 4A-101.5:

19 (1) The name and instrument of ownership in any
20 entity doing business with a unit of local government
21 in relation to which the person is required to file if
22 the ownership interest of the person filing is greater
23 than \$5,000 fair market value as of the date of filing
24 or if dividends in excess of \$1,200 were received from
25 the entity during the preceding calendar year. (In the
26 case of real estate, location thereof shall be listed

1 by street address, or if none, then by legal
2 description). No time or demand deposit in a financial
3 institution, nor any debt instrument need be listed.

4 (2) Except for professional service entities, the
5 name of any entity and any position held therein from
6 which income in excess of \$1,200 was derived during
7 the preceding calendar year if the entity does
8 business with a unit of local government in relation
9 to which the person is required to file. No time or
10 demand deposit in a financial institution, nor any
11 debt instrument need be listed.

12 (3) The name of any entity and the nature of the
13 governmental action requested by any entity which has
14 applied to a unit of local government in relation to
15 which the person must file for any license, franchise
16 or permit for annexation, zoning or rezoning of real
17 estate during the preceding calendar year if the
18 ownership interest of the person filing is in excess
19 of \$5,000 fair market value at the time of filing or if
20 income or dividends in excess of \$1,200 were received
21 by the person filing from the entity during the
22 preceding calendar year.

23 (d) The following interest shall also be listed by
24 persons listed in items (a) through (f) of Section 4A-101:
25 the name of any spouse or immediate family member living
26 with such person employed by a public utility in this

1 State and the name of the public utility that employs such
2 person.

3 For the purposes of this Section, the unit of local
4 government in relation to which a person is required to file
5 under item (e) of Section 4A-101.5 shall be the unit of local
6 government that contributes to the pension fund of which such
7 person is a member of the board.

8 (Source: P.A. 101-221, eff. 8-9-19.)

9 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

10 Sec. 4A-103. The statement of economic interests required
11 by this Article to be filed with the Secretary of State or
12 county clerk shall be ~~filled in by typewriting or hand~~
13 ~~printing, shall be~~ verified, dated, and signed by the person
14 making the statement and shall contain substantially the
15 following:

16 STATEMENT OF ECONOMIC INTERESTS

17 INSTRUCTIONS:

18 You may find the following documents helpful to you in
19 completing this form:

20 (1) federal income tax returns, including any related
21 schedules, attachments, and forms; and

22 (2) investment and brokerage statements.

23 To complete this form, you do not need to disclose

1 specific amounts or values or report interests relating either
 2 to political committees registered with the Illinois State
 3 Board of Elections or to political committees, principal
 4 campaign committees, or authorized committees registered with
 5 the Federal Election Commission.

6 The information you disclose will be available to the
 7 public.

8 You must answer all 6 questions. Certain questions will
 9 ask you to report any applicable assets or debts held in, or
 10 payable to, your name; held jointly by, or payable to, you with
 11 your spouse; or held jointly by, or payable to, you with your
 12 minor child. If you have any concerns about whether an
 13 interest should be reported, please consult your department's
 14 ethics officer, if applicable.

15 Please ensure that the information you provide is complete
 16 and accurate. If you need more space than the form allows,
 17 please attach additional pages for your response. If you are
 18 subject to the State Officials and Employees Ethics Act, your
 19 ethics officer must review your statement of economic
 20 interests before you file it. Failure to complete the
 21 statement in good faith and within the prescribed deadline may
 22 subject you to fines, imprisonment, or both.

23 BASIC INFORMATION:

24 Name:.....

25 Job title:

1 Office, department, or agency that requires you to file this

2 form:.....

3 Other offices, departments, or agencies that require you to

4 file a Statement of Economic Interests form:

5 Full mailing address:.....

6 Preferred e-mail address (optional):

7 QUESTIONS:

8 1. If you have any single asset that was worth more than
9 \$10,000 as of the end of the preceding calendar year and is
10 held in, or payable to, your name, held jointly by, or payable
11 to, you with your spouse, or held jointly by, or payable to,
12 you with your minor child, list such assets below. In the case
13 of investment real estate, list the city and state where the
14 investment real estate is located. If you do not have any such
15 assets, list "none" below.

16

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21 2. Excluding the position for which you are required to
22 file this form, list the source of any income in excess of
23 \$7,500 required to be reported during the preceding calendar
24 year. If you sold an asset that produced more than \$7,500 in
25 capital gains in the preceding calendar year, list the name of

1 the asset and the transaction date on which the sale or
 2 transfer took place. If you had no such sources of income or
 3 assets, list "none" below.

4	<u>Source of Income / Name of</u>	<u>Date Sold (if applicable)</u>
5	<u>Asset</u>	
6
7
8

9 3. Excluding debts incurred on terms available to the
 10 general public, such as mortgages, student loans, and credit
 11 card debts, if you owed any single debt in the preceding
 12 calendar year exceeding \$10,000, list the creditor of the debt
 13 below. If you had no such debts, list "none" below.

14 List the creditor for all applicable debts owed by you,
 15 owed jointly by you with your spouse, or owed jointly by you
 16 with your minor child. In addition to the types of debts listed
 17 above, you do not need to report any debts to or from financial
 18 institutions or government agencies, such as debts secured by
 19 automobiles, household furniture or appliances, as long as the
 20 debt was made on terms available to the general public, debts
 21 to members of your family, or debts to or from a political
 22 committee registered with the Illinois State Board of
 23 Elections or any political committee, principal campaign
 24 committee, or authorized committee registered with the Federal
 25 Election Commission.

1
 2
 3
 4

5 4. List the name of each unit of government of which you or
 6 your spouse were an employee, contractor, or office holder
 7 during the preceding calendar year other than the unit or
 8 units of government in relation to which the person is
 9 required to file and the title of the position or nature of the
 10 contractual services.

<u>Name of Unit of Government</u>	<u>Title or Nature of Services</u>
12 13 14

15 5. If you maintain an economic relationship with a
 16 lobbyist or if a member of your family is known to you to be a
 17 lobbyist registered with any unit of government in the State
 18 of Illinois, list the name of the lobbyist below and identify
 19 the nature of your relationship with the lobbyist. If you do
 20 not have an economic relationship with a lobbyist or a family
 21 member known to you to be a lobbyist registered with any unit
 22 of government in the State of Illinois, list "none" below.

<u>Name of Lobbyist</u>	<u>Relationship to Filer</u>
24

1

2

3 6. List the name of each person, organization, or entity
4 that was the source of a gift or gifts, or honorarium or
5 honoraria, valued singly or in the aggregate in excess of \$500
6 received during the preceding calendar year and the type of
7 gift or gifts, or honorarium or honoraria, excluding any gift
8 or gifts from a member of your family that was not known to be
9 a lobbyist registered with any unit of government in the State
10 of Illinois. If you had no such gifts, list "none" below.

11

12

13

14 7. List the name of any spouse or immediate family member
15 living with the person making this statement employed by a
16 public utility in this State and the name of the public utility
17 that employs the relative.

18 Name and Relation

Public Utility

19

20

21

22 VERIFICATION:

23 "I declare that this statement of economic interests
24 (including any attachments) has been examined by me and to the
25 best of my knowledge and belief is a true, correct and complete

1 statement of my economic interests as required by the Illinois
 2 Governmental Ethics Act. I understand that the penalty for
 3 willfully filing a false or incomplete statement is a fine not
 4 to exceed \$2,500 or imprisonment in a penal institution other
 5 than the penitentiary not to exceed one year, or both fine and
 6 imprisonment."

7 Printed Name of Filer:

8 Date:.....

9 Signature:

10 If this statement of economic interests requires ethics
 11 officer review prior to filing, the applicable ethics officer
 12 must complete the following:

13 CERTIFICATION OF ETHICS OFFICER REVIEW:

14 "In accordance with law, as Ethics Officer, I reviewed
 15 this statement of economic interests prior to its filing."

16 Printed Name of Ethics Officer:

17 Date:.....

18 Signature:

19 Preferred e-mail address (optional):

20 ~~STATEMENT OF ECONOMIC INTEREST~~

21 ~~(TYPE OR HAND PRINT)~~

22 ~~.....~~

23 ~~(name)~~

1
 2 ~~(each office or position of employment for which this~~
 3 ~~statement is filed)~~

4
 5 ~~(full mailing address)~~

6 ~~GENERAL DIRECTIONS:~~

7 ~~The interest (if constructively controlled by the person~~
 8 ~~making the statement) of a spouse or any other party, shall be~~
 9 ~~considered to be the same as the interest of the person making~~
 10 ~~the statement.~~

11 ~~Campaign receipts shall not be included in this statement.~~

12 ~~If additional space is needed, please attach supplemental~~
 13 ~~listing.~~

14 ~~1. List the name and instrument of ownership in any entity~~
 15 ~~doing business in the State of Illinois, in which the~~
 16 ~~ownership interest held by the person at the date of filing is~~
 17 ~~in excess of \$5,000 fair market value or from which dividends~~
 18 ~~in excess of \$1,200 were derived during the preceding calendar~~
 19 ~~year. (In the case of real estate, location thereof shall be~~
 20 ~~listed by street address, or if none, then by legal~~
 21 ~~description.) No time or demand deposit in a financial~~
 22 ~~institution, nor any debt instrument need be listed.~~

23 Business Entity	Instrument of Ownership
24
25
26

1
.....

2 ~~2. List the name, address and type of practice of any~~
3 ~~professional organization in which the person making the~~
4 ~~statement was an officer, director, associate, partner or~~
5 ~~proprietor or served in any advisory capacity, from which~~
6 ~~income in excess of \$1,200 was derived during the preceding~~
7 ~~calendar year.~~

8	Name	Address	Type of Practice
9
10
11

12 ~~3. List the nature of professional services rendered~~
13 ~~(other than to the State of Illinois) to each entity from which~~
14 ~~income exceeding \$5,000 was received for professional services~~
15 ~~rendered during the preceding calendar year by the person~~
16 ~~making the statement.~~

17
18

19 ~~4. List the identity (including the address or legal~~
20 ~~description of real estate) of any capital asset from which a~~
21 ~~capital gain of \$5,000 or more was realized during the~~
22 ~~preceding calendar year.~~

23
24

25 ~~5. List the identity of any compensated lobbyist with whom~~
26 ~~the person making the statement maintains a close economic~~

1 ~~association, including the name of the lobbyist and specifying~~
 2 ~~the legislative matter or matters which are the object of the~~
 3 ~~lobbying activity, and describing the general type of economic~~
 4 ~~activity of the client or principal on whose behalf that~~
 5 ~~person is lobbying.~~

Lobbyist	Legislative Matter	Client or Principal
.....
.....

9 ~~6. List the name of any entity doing business in the State~~
 10 ~~of Illinois from which income in excess of \$1,200 was derived~~
 11 ~~during the preceding calendar year other than for professional~~
 12 ~~services and the title or description of any position held in~~
 13 ~~that entity. (In the case of real estate, location thereof~~
 14 ~~shall be listed by street address, or if none, then by legal~~
 15 ~~description). No time or demand deposit in a financial~~
 16 ~~institution nor any debt instrument need be listed.~~

Entity	Position Held
.....
.....
.....

21 ~~7. List the name of any unit of government which employed~~
 22 ~~the person making the statement during the preceding calendar~~
 23 ~~year other than the unit or units of government in relation to~~
 24 ~~which the person is required to file.~~

.....
.....

1 ~~8. List the name of any entity from which a gift or gifts,~~
2 ~~or honorarium or honoraria, valued singly or in the aggregate~~
3 ~~in excess of \$500, was received during the preceding calendar~~
4 ~~year.~~

5

6 VERIFICATION:

7 ~~"I declare that this statement of economic interests~~
8 ~~(including any accompanying schedules and statements) has been~~
9 ~~examined by me and to the best of my knowledge and belief is a~~
10 ~~true, correct and complete statement of my economic interests~~
11 ~~as required by the Illinois Governmental Ethics Act. I~~
12 ~~understand that the penalty for willfully filing a false or~~
13 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~
14 ~~imprisonment in a penal institution other than the~~
15 ~~penitentiary not to exceed one year, or both fine and~~
16 ~~imprisonment."~~

17

18 ~~(date of filing) (signature of person making the statement)~~

19 (Source: P.A. 95-173, eff. 1-1-08.)

20 Section 90-10. The State Officials and Employees Ethics
21 Act is amended by changing Section 5-50 as follows:

22 (5 ILCS 430/5-50)

23 Sec. 5-50. Ex parte communications; special government
24 agents.

1 (a) This Section applies to ex parte communications made
2 to any agency listed in subsection (e).

3 (b) "Ex parte communication" means any written or oral
4 communication by any person that imparts or requests material
5 information or makes a material argument regarding potential
6 action concerning regulatory, quasi-adjudicatory, investment,
7 or licensing matters pending before or under consideration by
8 the agency. "Ex parte communication" does not include the
9 following: (i) statements by a person publicly made in a
10 public forum; (ii) statements regarding matters of procedure
11 and practice, such as format, the number of copies required,
12 the manner of filing, and the status of a matter; and (iii)
13 statements made by a State employee of the agency to the agency
14 head or other employees of that agency.

15 (b-5) An ex parte communication received by an agency,
16 agency head, or other agency employee from an interested party
17 or his or her official representative or attorney shall
18 promptly be memorialized and made a part of the record.

19 (c) An ex parte communication received by any agency,
20 agency head, or other agency employee, other than an ex parte
21 communication described in subsection (b-5), shall immediately
22 be reported to that agency's ethics officer by the recipient
23 of the communication and by any other employee of that agency
24 who responds to the communication. The ethics officer shall
25 require that the ex parte communication be promptly made a
26 part of the record. The ethics officer shall promptly file the

1 ex parte communication with the Executive Ethics Commission,
2 including all written communications, all written responses to
3 the communications, and a memorandum prepared by the ethics
4 officer stating the nature and substance of all oral
5 communications, the identity and job title of the person to
6 whom each communication was made, all responses made, the
7 identity and job title of the person making each response, the
8 identity of each person from whom the written or oral ex parte
9 communication was received, the individual or entity
10 represented by that person, any action the person requested or
11 recommended, and any other pertinent information. The
12 disclosure shall also contain the date of any ex parte
13 communication.

14 (d) "Interested party" means a person or entity whose
15 rights, privileges, or interests are the subject of or are
16 directly affected by a regulatory, quasi-adjudicatory,
17 investment, or licensing matter. For purposes of an ex parte
18 communication received by either the Illinois Commerce
19 Commission or the Illinois Power Agency, "interested party"
20 also includes: (1) an organization comprised of 2 or more
21 businesses, persons, nonprofit entities, or any combination
22 thereof, that are working in concert to advance public policy
23 advocated by the organization, or (2) any party selling
24 renewable energy resources procured by the Illinois Power
25 Agency pursuant to Section 16-111.5 of the Public Utilities
26 Act and Section 1-75 of the Illinois Power Agency Act.

1 (e) This Section applies to the following agencies:

2 Executive Ethics Commission

3 Illinois Commerce Commission

4 Illinois Power Agency

5 Educational Labor Relations Board

6 State Board of Elections

7 Illinois Gaming Board

8 Health Facilities and Services Review Board

9 Illinois Workers' Compensation Commission

10 Illinois Labor Relations Board

11 Illinois Liquor Control Commission

12 Pollution Control Board

13 Property Tax Appeal Board

14 Illinois Racing Board

15 Illinois Purchased Care Review Board

16 Department of State Police Merit Board

17 Motor Vehicle Review Board

18 Prisoner Review Board

19 Civil Service Commission

20 Personnel Review Board for the Treasurer

21 Merit Commission for the Secretary of State

22 Merit Commission for the Office of the Comptroller

23 Court of Claims

24 Board of Review of the Department of Employment Security

25 Department of Insurance

26 Department of Professional Regulation and licensing boards

1 under the Department
2 Department of Public Health and licensing boards under the
3 Department
4 Office of Banks and Real Estate and licensing boards under
5 the Office
6 State Employees Retirement System Board of Trustees
7 Judges Retirement System Board of Trustees
8 General Assembly Retirement System Board of Trustees
9 Illinois Board of Investment
10 State Universities Retirement System Board of Trustees
11 Teachers Retirement System Officers Board of Trustees

12 (f) Any person who fails to (i) report an ex parte
13 communication to an ethics officer, (ii) make information part
14 of the record, or (iii) make a filing with the Executive Ethics
15 Commission as required by this Section or as required by
16 Section 5-165 of the Illinois Administrative Procedure Act
17 violates this Act.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

19 Section 90-15. The Department of Commerce and Economic
20 Opportunity Law of the Civil Administrative Code of Illinois
21 is amended by adding Section 605-1075 as follows:

22 (20 ILCS 605/605-1075 new)

23 Sec. 605-1075. Energy Transition Assistance Fund.

24 (a) The General Assembly hereby declares that management

1 of several economic development programs requires a
2 consolidated funding source to improve resource efficiency.
3 The General Assembly specifically recognizes that properly
4 servicing communities and workers impacted by the energy
5 transition requires that the Department of Commerce and
6 Economic Opportunity have access to the resources required for
7 the execution of the programs for workforce and contractor
8 development, just transition investments and community
9 support, and the implementation and administration of energy
10 and justice efforts by the State.

11 (b) The Department shall be responsible for the
12 administration of the Energy Transition Assistance Fund and
13 shall allocate funding on the basis of priorities established
14 in this Section. Each year, the Department shall determine the
15 available amount of resources in the Fund that can be
16 allocated to the programs identified in this Section, and
17 allocate the funding accordingly. The Department shall, to the
18 extent practical, consider both the short-term and long-term
19 costs of the programs and allocate funding so that the
20 Department is able to cover both the short-term and long-term
21 costs of these programs using projected revenue.

22 The available funding for each year shall be allocated
23 from the Fund in the following order of priority:

24 (1) for costs related to the Clean Jobs Workforce
25 Network Program, up to \$21,000,000 annually prior to June
26 1, 2023 and \$24,333,333 annually thereafter;

1 (2) for costs related to the Clean Energy Contractor
2 Incubator Program, up to \$21,000,000 annually;

3 (3) for costs related to the Clean Energy Primes
4 Contractor Accelerator Program, up to \$9,000,000 annually;

5 (4) for costs related to the Barrier Reduction
6 Program, up to \$21,000,000 annually;

7 (5) for costs related to the Jobs and Environmental
8 Justice Grant Program, up to \$34,000,000 annually;

9 (6) for costs related to the Returning Residents Clean
10 Jobs Training Program, up to \$6,000,000 annually;

11 (7) for costs related to Energy Transition Navigators,
12 up to \$6,000,000 annually;

13 (8) for costs related to the Illinois Climate Works
14 Preapprenticeship Program, up to \$10,000,000 annually;

15 (9) for costs related to Energy Transition Community
16 Support Grants, up to \$40,000,000 annually;

17 (10) for costs related to the Displaced Energy Worker
18 Dependent Scholarship, upon request by the Illinois
19 Student Assistance Commission, up to \$1,100,000 annually;

20 (11) up to \$10,000,000 annually shall be transferred
21 to the Public Utilities Fund for use by the Illinois
22 Commerce Commission for costs of administering the changes
23 made to the Public Utilities Act by this amendatory Act of
24 the 102nd General Assembly;

25 (12) up to \$4,000,000 annually shall be transferred to
26 the Illinois Power Agency Operations Fund for use by the

1 Illinois Power Agency; and

2 (13) for costs related to the Clean Energy Jobs and
3 Justice Fund, up to \$1,000,000 annually.

4 The Department is authorized to utilize up to 10% of the
5 Energy Transition Assistance Fund for administrative and
6 operational expenses to implement the requirements of this
7 Act.

8 (c) Within 30 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, each electric
10 utility serving more than 500,000 customers in the State shall
11 report to the Department its total kilowatt-hours of energy
12 delivered during the 12 months ending on the immediately
13 preceding May 31. By October 31, 2021 and each October 31
14 thereafter, each electric utility serving more than 500,000
15 customers in the State shall report to the Department its
16 total kilowatt-hours of energy delivered during the 12 months
17 ending on the immediately preceding May 31.

18 (d) The Department shall, within 60 days after the
19 effective date of this amendatory Act of the 102nd General
20 Assembly:

21 (1) determine the amount necessary, but not more than
22 \$180,000,000, to meet the funding needs of the programs
23 reliant upon the Energy Transition Assistance Fund as a
24 revenue source for the period between the effective date
25 of this amendatory Act of the 102nd General Assembly and
26 December 31, 2021;

1 (2) determine, based on the kilowatt-hour deliveries
2 for the 12 months ending May 31, 2021 reported by the
3 electric utilities under subsection (c), the total energy
4 transition assistance charge to be allocated to each
5 electric utility for the period between the effective date
6 of this amendatory Act of the 102nd General Assembly and
7 December 31, 2021; and

8 (3) report the total energy transition assistance
9 charge applicable until December 31, 2021 to each electric
10 utility serving more than 500,000 customers in the State
11 and the Illinois Commerce Commission for purposes of
12 filing the tariff pursuant to Section 16-108.30 of the
13 Public Utilities Act.

14 (e) The Department shall by November 30, 2021, and each
15 November 30 thereafter:

16 (1) determine the amount necessary, but not more than
17 \$180,000,000, to meet the funding needs of the programs
18 reliant upon the Energy Transition Assistance Fund as a
19 revenue source for the immediately following calendar
20 year;

21 (2) determine, based on the kilowatt-hour deliveries
22 for the 12 months ending on the immediately preceding May
23 31 reported to it by the electric utilities under
24 subsection (c), the total energy transition assistance
25 charge to be allocated to each electric utility for the
26 immediately following calendar year; and

1 (3) report the energy transition assistance charge
2 applicable for the immediately following calendar year to
3 each electric utility serving more than 500,000 customers
4 in the State and the Illinois Commerce Commission for
5 purposes of filing the tariff pursuant to Section
6 16-108.30 of the Public Utilities Act.

7 (f) The energy transition assistance charge may not exceed
8 \$180,000,000 annually. If, at the end of the calendar year,
9 any surplus remains in the Energy Transition Assistance Fund,
10 the Department may allocate the surplus from the fund in the
11 following order of priority:

12 (1) for costs related to the development of the
13 Stretch Energy Codes and other standards at the Capital
14 Development Board, up to \$500,000 annually, at the request
15 of the Board;

16 (2) up to \$7,000,000 annually shall be transferred to
17 the Energy Efficiency Trust Fund and Clean Air Act Permit
18 Fund for use by the Environmental Protection Agency for
19 costs related to energy efficiency and weatherization, and
20 costs of implementation, administration, and enforcement
21 of the Clean Air Act; and

22 (3) for costs related to State fleet electrification
23 at the Department of Central Management Services, up to
24 \$10,000,000 annually, at the request of the Department.

25 Section 90-20. The Electric Vehicle Act is amended by

1 changing Section 15 and by adding Sections 40, 45, 50, 55, and
2 60 as follows:

3 (20 ILCS 627/15)

4 Sec. 15. Electric Vehicle Coordinator. The Governor, with
5 the advice and consent of the Senate, shall appoint a person
6 within the Illinois Environmental Protection Agency ~~Department~~
7 ~~of Commerce and Economic Opportunity~~ to serve as the Electric
8 Vehicle Coordinator for the State of Illinois. This person may
9 be an existing employee with other duties. The Coordinator
10 shall act as a point person for electric vehicle-related and
11 electric vehicle charging-related ~~electric vehicle related~~
12 policies and activities in Illinois, including, but not
13 limited to, the issuance of electric vehicle rebates for
14 consumers and electric vehicle charging rebates for
15 organizations and companies.

16 (Source: P.A. 97-89, eff. 7-11-11.)

17 (20 ILCS 627/40 new)

18 Sec. 40. Rulemaking; resources. The Agency shall adopt
19 rules as necessary and dedicate sufficient resources to
20 implement Sections 45 and 55.

21 (20 ILCS 627/45 new)

22 Sec. 45. Beneficial electrification.

23 (a) It is the intent of the General Assembly to decrease

1 reliance on fossil fuels, reduce pollution from the
2 transportation sector, increase access to electrification for
3 all consumers, and ensure that electric vehicle adoption and
4 increased electricity usage and demand do not place
5 significant additional burdens on the electric system and
6 create benefits for Illinois residents.

7 (1) Illinois should increase the adoption of electric
8 vehicles in the State to 1,000,000 by 2030.

9 (2) Illinois should strive to be the best state in the
10 nation in which to drive and manufacture electric
11 vehicles.

12 (3) Widespread adoption of electric vehicles is
13 necessary to electrify the transportation sector,
14 diversify the transportation fuel mix, drive economic
15 development, and protect air quality.

16 (4) Accelerating the adoption of electric vehicles
17 will drive the decarbonization of Illinois' transportation
18 sector.

19 (5) Expanded infrastructure investment will help
20 Illinois more rapidly decarbonize the transportation
21 sector.

22 (6) Statewide adoption of electric vehicles requires
23 increasing access to electrification for all consumers.

24 (7) Widespread adoption of electric vehicles requires
25 increasing public access to charging equipment throughout
26 Illinois, especially in low-income and environmental

1 justice communities, where levels of air pollution burden
2 tend to be higher.

3 (8) Widespread adoption of electric vehicles and
4 charging equipment has the potential to provide customers
5 with fuel cost savings and electric utility customers with
6 cost-saving benefits.

7 (9) Widespread adoption of electric vehicles can
8 improve an electric utility's electric system efficiency
9 and operational flexibility, including the ability of the
10 electric utility to integrate renewable energy resources
11 and make use of off-peak generation resources that support
12 the operation of charging equipment.

13 (10) Widespread adoption of electric vehicles should
14 stimulate innovation, competition, and increased choices
15 in charging equipment and networks and should also attract
16 private capital investments and create high-quality jobs
17 in Illinois.

18 (b) As used in this Section:

19 "Agency" means the Environmental Protection Agency.

20 "Beneficial electrification programs" means programs that
21 lower carbon dioxide emissions, replace fossil fuel use,
22 create cost savings, improve electric grid operations, reduce
23 increases to peak demand, improve electric usage load shape,
24 and align electric usage with times of renewable generation.
25 All beneficial electrification programs shall provide for
26 incentives such that customers are induced to use electricity

1 at times of low overall system usage or at times when
2 generation from renewable energy sources is high. "Beneficial
3 electrification programs" include a portfolio of the
4 following:

5 (1) time-of-use electric rates;

6 (2) hourly pricing electric rates;

7 (3) optimized charging programs or programs that
8 encourage charging at times beneficial to the electric
9 grid;

10 (4) optional demand-response programs specifically
11 related to electrification efforts;

12 (5) incentives for electrification and associated
13 infrastructure tied to using electricity at off-peak
14 times;

15 (6) incentives for electrification and associated
16 infrastructure targeted to medium-duty and heavy-duty
17 vehicles used by transit agencies;

18 (7) incentives for electrification and associated
19 infrastructure targeted to school buses;

20 (8) incentives for electrification and associated
21 infrastructure for medium-duty and heavy-duty government
22 and private fleet vehicles;

23 (9) low-income programs that provide access to
24 electric vehicles for communities where car ownership or
25 new car ownership is not common;

26 (10) incentives for electrification in eligible

1 communities;

2 (11) incentives or programs to enable quicker adoption
3 of electric vehicles by developing public charging
4 stations in dense areas, workplaces, and low-income
5 communities;

6 (12) incentives or programs to develop electric
7 vehicle infrastructure that minimizes range anxiety,
8 filling the gaps in deployment, particularly in rural
9 areas and along highway corridors;

10 (13) incentives to encourage the development of
11 electrification and renewable energy generation in close
12 proximity in order to reduce grid congestion;

13 (14) offer support to low-income communities who are
14 experiencing financial and accessibility barriers such
15 that electric vehicle ownership is not an option; and

16 (15) other such programs as defined by the Commission.

17 "Black, indigenous, and people of color" or "BIPOC" means
18 people who are members of the groups described in
19 subparagraphs (a) through (e) of paragraph (A) of subsection
20 (1) of Section 2 of the Business Enterprise for Minorities,
21 Women, and Persons with Disabilities Act.

22 "Commission" means the Illinois Commerce Commission.

23 "Coordinator" means the Electric Vehicle Coordinator.

24 "Electric vehicle" means a vehicle that is exclusively
25 powered by and refueled by electricity, must be plugged in to
26 charge, and is licensed to drive on public roadways. "Electric

1 vehicle" does not include electric motorcycles or hybrid
2 electric vehicles and extended-range electric vehicles that
3 are also equipped with conventional fueled propulsion or
4 auxiliary engines.

5 "Electric vehicle charging station" means a station that
6 delivers electricity from a source outside an electric vehicle
7 into one or more electric vehicles.

8 "Environmental justice communities" means the definition
9 of that term based on existing methodologies and findings,
10 used and as may be updated by the Illinois Power Agency and its
11 program administrator in the Illinois Solar for All Program.

12 "Equity investment eligible community" or "eligible
13 community" means the geographic areas throughout Illinois
14 which would most benefit from equitable investments by the
15 State designed to combat discrimination and foster sustainable
16 economic growth. Specifically, "eligible community" means the
17 following areas:

18 (1) areas where residents have been historically
19 excluded from economic opportunities, including
20 opportunities in the energy sector, as defined pursuant to
21 Section 10-40 of the Cannabis Regulation and Tax Act; and

22 (2) areas where residents have been historically
23 subject to disproportionate burdens of pollution,
24 including pollution from the energy sector, as established
25 by environmental justice communities as defined by the
26 Illinois Power Agency pursuant to Illinois Power Agency

1 Act, excluding any racial or ethnic indicators.

2 "Equity investment eligible person" or "eligible person"
3 means the persons who would most benefit from equitable
4 investments by the State designed to combat discrimination and
5 foster sustainable economic growth. Specifically, "eligible
6 person" means the following people:

7 (1) persons whose primary residence is in an equity
8 investment eligible community;

9 (2) persons who are graduates of or currently enrolled
10 in the foster care system; or

11 (3) persons who were formerly incarcerated.

12 "Low-income" means persons and families whose income does
13 not exceed 80% of the state median income for the current State
14 fiscal year as established by the U.S. Department of Health
15 and Human Services.

16 "Make-ready infrastructure" means the electrical and
17 construction work necessary between the distribution circuit
18 to the connection point of charging equipment.

19 "Optimized charging programs" mean programs whereby owners
20 of electric vehicles can set their vehicles to be charged
21 based on the electric system's current demand, retail or
22 wholesale market rates, incentives, the carbon or other
23 pollution intensity of the electric generation mix, the
24 provision of grid services, efficient use of the electric
25 grid, or the availability of clean energy generation.
26 Optimized charging programs may be operated by utilities as

1 well as third parties.

2 (c) The Commission shall initiate a workshop process no
3 later than November 30, 2021 for the purpose of soliciting
4 input on the design of beneficial electrification programs
5 that the utility shall offer. The workshop shall be
6 coordinated by the Staff of the Commission, or a facilitator
7 retained by Staff, and shall be organized and facilitated in a
8 manner that encourages representation from diverse
9 stakeholders, including stakeholders representing
10 environmental justice and low-income communities, and ensures
11 equitable opportunities for participation, without requiring
12 formal intervention or representation by an attorney.

13 The stakeholder workshop process shall take into
14 consideration the benefits of electric vehicle adoption and
15 barriers to adoption, including:

16 (1) the benefit of lower bills for customers who do
17 not charge electric vehicles;

18 (2) benefits to the distribution system from electric
19 vehicle usage;

20 (3) the avoidance and reduction in capacity costs from
21 optimized charging and off-peak charging;

22 (4) energy price and cost reductions;

23 (5) environmental benefits, including greenhouse gas
24 emission and other pollution reductions;

25 (6) current barriers to mass-market adoption,
26 including cost of ownership and availability of charging

1 stations;

2 (7) current barriers to increasing access among
3 populations that have limited access to electric vehicle
4 ownership, communities significantly impacted by
5 transportation-related pollution, and market segments that
6 create disproportionate pollution impacts;

7 (8) benefits of and incentives for medium-duty and
8 heavy-duty fleet vehicle electrification;

9 (9) opportunities for eligible communities to benefit
10 from electrification;

11 (10) geographic areas and market segments that should
12 be prioritized for electrification infrastructure
13 investment.

14 The workshops shall consider barriers, incentives,
15 enabling rate structures, and other opportunities for the bill
16 reduction and environmental benefits described in this
17 subsection.

18 The workshop process shall conclude no later than February
19 28, 2022. Following the workshop, the Staff of the Commission,
20 or the facilitator retained by the Staff, shall prepare and
21 submit a report, no later than March 31, 2022, to the
22 Commission that includes, but is not limited to,
23 recommendations for transportation electrification investment
24 or incentives in the following areas:

25 (i) publicly accessible Level 2 and fast-charging
26 stations, with a focus on bringing access to

1 transportation electrification in densely populated areas
2 and workplaces within eligible communities;

3 (ii) medium-duty and heavy-duty charging
4 infrastructure used by government and private fleet
5 vehicles that serve or travel through environmental
6 justice or eligible communities;

7 (iii) medium-duty and heavy-duty charging
8 infrastructure used in school bus operations, whether
9 private or public, that primarily serve governmental or
10 educational institutions, and also serve or travel through
11 environmental justice or eligible communities;

12 (iv) public transit medium-duty and heavy-duty
13 charging infrastructure, developed in consultation with
14 public transportation agencies; and

15 (v) publicly accessible Level 2 and fast-charging
16 stations targeted to fill gaps in deployment, particularly
17 in rural areas and along State highway corridors.

18 The report must also identify the participants in the
19 process, program designs proposed during the process,
20 estimates of the costs and benefits of proposed programs, any
21 material issues that remained unresolved at the conclusions of
22 such process, and any recommendations for workshop process
23 improvements. The report shall be used by the Commission to
24 inform and evaluate the cost effectiveness and achievement of
25 goals within the submitted Beneficial Electrification Plans.

26 (d) No later than July 1, 2022, electric utilities serving

1 greater than 500,000 customers in the State shall file a
2 Beneficial Electrification Plan with the Illinois Commerce
3 Commission for programs that start no later than January 1,
4 2023. The plan shall take into consideration recommendations
5 from the workshop report described in this Section. Within 45
6 days after the filing of the Beneficial Electrification Plan,
7 the Commission shall, with reasonable notice, open an
8 investigation to consider whether the plan meets the
9 objectives and contains the information required by this
10 Section. The Commission shall determine if the proposed plan
11 is cost-beneficial and in the public interest. When
12 considering if the plan is in the public interest and
13 determining appropriate levels of cost recovery for
14 investments and expenditures related to programs proposed by
15 an electric utility, the Commission shall consider whether the
16 investments and other expenditures are designed and reasonably
17 expected to:

18 (1) maximize total energy cost savings and rate
19 reductions so that nonparticipants can benefit;

20 (2) address environmental justice interests by
21 ensuring there are significant opportunities for residents
22 and businesses in eligible communities to directly
23 participate in and benefit from beneficial electrification
24 programs;

25 (3) support at least a 40% investment of make-ready
26 infrastructure incentives to facilitate the rapid

1 deployment of charging equipment in or serving
2 environmental justice, low-income, and eligible
3 communities; however, nothing in this subsection is
4 intended to require a specific amount of spending in a
5 particular geographic area;

6 (4) support at least a 5% investment target in
7 electrifying medium-duty and heavy-duty school bus and
8 diesel public transportation vehicles located in or
9 serving environmental justice, low-income, and eligible
10 communities in order to provide those communities and
11 businesses with greater economic investment,
12 transportation opportunities, and a cleaner environment so
13 they can directly benefit from transportation
14 electrification efforts; however, nothing in this
15 subsection is intended to require a specific amount of
16 spending in a particular geographic area;

17 (5) stimulate innovation, competition, private
18 investment, and increased consumer choices in electric
19 vehicle charging equipment and networks;

20 (6) contribute to the reduction of carbon emissions
21 and meeting air quality standards, including improving air
22 quality in eligible communities who disproportionately
23 suffer from emissions from the medium-duty and heavy-duty
24 transportation sector;

25 (7) support the efficient and cost-effective use of
26 the electric grid in a manner that supports electric

1 vehicle charging operations; and

2 (8) provide resources to support private investment in
3 charging equipment for uses in public and private charging
4 applications, including residential, multi-family, fleet,
5 transit, community, and corridor applications.

6 The plan shall be determined to be cost-beneficial if the
7 total cost of beneficial electrification expenditures is less
8 than the net present value of increased electricity costs
9 (defined as marginal avoided energy, avoided capacity, and
10 avoided transmission and distribution system costs) avoided by
11 programs under the plan, the net present value of reductions
12 in other customer energy costs, net revenue from all electric
13 charging in the service territory, and the societal value of
14 reduced carbon emissions and surface-level pollutants,
15 particularly in environmental justice communities. The
16 calculation of costs and benefits should be based on net
17 impacts, including the impact on customer rates.

18 The Commission shall approve, approve with modifications,
19 or reject the plan within 270 days from the date of filing. The
20 Commission may approve the plan if it finds that the plan will
21 achieve the goals described in this Section and contains the
22 information described in this Section. Proceedings under this
23 Section shall proceed according to the rules provided by
24 Article IX of the Public Utilities Act. Information contained
25 in the approved plan shall be considered part of the record in
26 any Commission proceeding under Section 16-107.6 of the Public

1 Utilities Act, provided that a final order has not been
2 entered prior to the initial filing date. The Beneficial
3 Electrification Plan shall specifically address, at a minimum,
4 the following:

5 (i) make-ready investments to facilitate the rapid
6 deployment of charging equipment throughout the State,
7 facilitate the electrification of public transit and other
8 vehicle fleets in the light-duty, medium-duty, and
9 heavy-duty sectors, and align with Agency-issued rebates
10 for charging equipment;

11 (ii) the development and implementation of beneficial
12 electrification programs, including time-of-use rates and
13 their benefit for electric vehicle users and for all
14 customers, optimized charging programs to achieve savings
15 identified, and new contracts and compensation for
16 services in those programs, through signals that allow
17 electric vehicle charging to respond to local system
18 conditions, manage critical peak periods, serve as a
19 demand response or peak resource, and maximize renewable
20 energy use and integration into the grid;

21 (iii) optional commercial tariffs utilizing
22 alternatives to traditional demand-based rate structures
23 to facilitate charging for light duty, heavy duty, and
24 fleet electric vehicles;

25 (iv) financial and other challenges to electric
26 vehicle usage in low-income communities, and strategies

1 for overcoming those challenges, particularly in
2 communities and for people for whom car ownership is not
3 an option;

4 (v) methods of minimizing ratepayer impacts and
5 exempting or minimizing, to the extent possible,
6 low-income ratepayers from the costs associated with
7 facilitating the expansion of electric vehicle charging;

8 (vi) plans to increase access to Level 3 Public
9 Electric Vehicle Charging Infrastructure to serve vehicles
10 that need quicker charging times and vehicles of persons
11 who have no other access to charging infrastructure,
12 regardless of whether those projects participate in
13 optimized charging programs;

14 (vii) whether to establish charging standards for type
15 of plugs eligible for investment or incentive programs,
16 and if so, what standards;

17 (viii) opportunities for coordination and cohesion
18 with electric vehicle and electric vehicle charging
19 equipment incentives established by any agency,
20 department, board, or commission of the State, any other
21 unit of government in the State, any national programs, or
22 any unit of the federal government;

23 (ix) ideas for the development of online tools,
24 applications, and data sharing that provide essential
25 information to those charging electric vehicles, and
26 enable an automated charging response to price signals,

1 emission signals, real-time renewable generation
2 production, and other Commission-approved or
3 customer-desired indicators of beneficial charging times;
4 and

5 (x) customer education, outreach, and incentive
6 programs that increase awareness of the programs and the
7 benefits of transportation electrification, including
8 direct outreach to eligible communities;

9 (e) Proceedings under this Section shall proceed according
10 to the rules provided by Article IX of the Public Utilities
11 Act. Information contained in the approved plan shall be
12 considered part of the record in any Commission proceeding
13 under Section 16-107.6 of the Public Utilities Act, provided
14 that a final order has not been entered prior to the initial
15 filing date.

16 (f) The utility shall file an update to the plan on July 1,
17 2024 and every 3 years thereafter. This update shall describe
18 transportation investments made during the prior plan period,
19 investments planned for the following 24 months, and updates
20 to the information required by this Section. Beginning with
21 the first update, the utility shall develop the plan in
22 conjunction with the distribution system planning process
23 described in Section 16-105.17, including incorporation of
24 stakeholder feedback from that process.

25 (g) Within 35 days after the utility files its report, the
26 Commission shall, upon its own initiative, open an

1 investigation regarding the utility's plan update to
2 investigate whether the objectives described in this Section
3 are being achieved. The Commission shall determine whether
4 investment targets should be increased based on achievement of
5 spending goals outlined in the Beneficial Electrification Plan
6 and consistency with outcomes directed in the plan stakeholder
7 workshop report. If the Commission finds, after notice and
8 hearing, that the utility's plan is materially deficient, the
9 Commission shall issue an order requiring the utility to
10 devise a corrective action plan, subject to Commission
11 approval, to bring the plan into compliance with the goals of
12 this Section. The Commission's order shall be entered within
13 270 days after the utility files its annual report. The
14 contents of a plan filed under this Section shall be available
15 for evidence in Commission proceedings. However, omission from
16 an approved plan shall not render any future utility
17 expenditure to be considered unreasonable or imprudent. The
18 Commission may, upon sufficient evidence, allow expenditures
19 that were not part of any particular distribution plan. The
20 Commission shall consider revenues from electric vehicles in
21 the utility's service territory in evaluating the retail rate
22 impact. The retail rate impact from the development of
23 electric vehicle infrastructure shall not exceed 1% per year
24 of the total annual revenue requirements of the utility.

25 (h) In meeting the requirements of this Section, the
26 utility shall demonstrate efforts to increase the use of

1 contractors and electric vehicle charging station installers
2 that meet multiple workforce equity actions, including, but
3 not limited to:

4 (1) the business is headquartered in or the person
5 resides in an eligible community;

6 (2) the business is majority owned by eligible person
7 or the contractor is an eligible person;

8 (3) the business or person is certified by another
9 municipal, State, federal, or other certification for
10 disadvantaged businesses;

11 (4) the business or person meets the eligibility
12 criteria for a certification program such as:

13 (A) certified under Section 2 of the Business
14 Enterprise for Minorities, Women, and Persons with
15 Disabilities Act;

16 (B) certified by another municipal, State,
17 federal, or other certification for disadvantaged
18 businesses;

19 (C) submits an affidavit showing that the vendor
20 meets the eligibility criteria for a certification
21 program such as those in items (A) and (B); or

22 (D) if the vendor is a nonprofit, meets any of the
23 criteria in those in item (A), (B), or (C) with the
24 exception that the nonprofit is not required to meet
25 any criteria related to being a for-profit entity, or
26 is controlled by a board of directors that consists of

1 51% or greater individuals who are equity investment
2 eligible persons; or

3 (E) ensuring that program implementation
4 contractors and electric vehicle charging station
5 installers pay employees working on electric vehicle
6 charging installations at or above the prevailing wage
7 rate when such a wage rate has been published by the
8 Department of Labor and pay employees working on
9 energy efficiency programs at or above the median wage
10 rate for a similar job description in the nearest
11 metropolitan area when there is no applicable
12 published prevailing wage rate.

13 If necessary, utilities may conduct surveys to establish
14 the median wage rate for a given job description. Utilities
15 shall establish reporting procedures for vendors that ensure
16 compliance with this subsection, but are structured to avoid,
17 wherever possible, placing an undue administrative burden on
18 vendors.

19 (i) Program data collection.

20 (1) In order to ensure that the benefits provided to
21 Illinois residents and business by the clean energy
22 economy are equitably distributed across the State, it is
23 necessary to accurately measure the applicants and
24 recipients of this Program. The purpose of this paragraph
25 is to require the implementing utilities to collect all
26 data from Program applicants and beneficiaries to track

1 and improve equitable distribution of benefits across
2 Illinois communities. The further purpose is to measure
3 any potential impact of racial discrimination on the
4 distribution of benefits and provide the utilities the
5 information necessary to correct any discrimination
6 through methods consistent with State and federal law.

7 (2) The implementing utilities shall collect
8 demographic and geographic data for each applicant and
9 each person or business awarded benefits or contracts
10 under this Program.

11 (3) The implementing utilities shall collect the
12 following information from applicants and Program or
13 procurement beneficiaries where applicable:

14 (A) demographic information, including racial or
15 ethnic identity for real persons employed, contracted,
16 or subcontracted through the program;

17 (B) demographic information, including racial or
18 ethnic identity of business owners;

19 (C) geographic location of the residency of real
20 persons or geographic location of the headquarters for
21 businesses; and

22 (D) any other information necessary for the
23 purpose of achieving the purpose of this paragraph.

24 (4) The utility shall publish, at least annually,
25 aggregated information on the demographics of program and
26 procurement applicants and beneficiaries. The utilities

1 shall protect personal and confidential business
2 information as necessary.

3 (5) The utilities shall conduct a regular review
4 process to confirm the accuracy of reported data.

5 (6) On a quarterly basis, utilities shall collect data
6 necessary to ensure compliance with this Section and shall
7 communicate progress toward compliance to program
8 implementation contractors and electric vehicle charging
9 station installation vendors.

10 (7) Utilities filing Beneficial Electrification Plans
11 under this Section shall report annually to the Illinois
12 Commerce Commission and the General Assembly on how
13 hiring, contracting, job training, and other practices
14 related to its Beneficial electrification programs enhance
15 the diversity of vendors working on such programs. These
16 reports must include data on vendor and employee
17 diversity.

18 (j) The provisions of this Section are severable under
19 Section 1.31 of the Statute on Statutes.

20 (20 ILCS 627/55 new)

21 Sec. 55. Charging rebate program.

22 (a) In order to substantially offset the installation
23 costs of electric vehicle charging infrastructure, beginning
24 July 1, 2022, and continuing as long as funds are available,
25 the Agency shall issue rebates, consistent with the

1 Commission-approved Beneficial Electrification Plans in
2 accordance with Section 45, to public and private
3 organizations and companies to install and maintain Level 2 or
4 Level 3 charging stations.

5 (b) The Agency shall award rebates or grants that fund up
6 to 80% of the cost of the installation of charging stations.
7 The Agency shall award additional incentives per port for
8 every charging station installed in an eligible community and
9 every charging station located to support eligible persons. In
10 order to be eligible to receive a rebate or grant, the
11 organization or company must submit an application to the
12 Agency and commit to paying the prevailing wage for the
13 installation project. The Agency shall by rule provide
14 application and other programmatic details and requirements,
15 including additional incentives for eligible communities. The
16 Agency may determine per port or project caps based on a review
17 of best practices and stakeholder engagement. The Agency shall
18 accept applications on a rolling basis and shall award rebates
19 or grants within 60 days of each application. The Agency may
20 not award rebates or grants to an organization or company that
21 does not pay the prevailing wage for the installation of a
22 charging station for which it seeks a rebate or grant.

23 (20 ILCS 627/60 new)

24 Sec. 60. Study on loss infrastructure funds and
25 replacement options. The Illinois Department of Transportation

1 shall conduct a study to be delivered to the members of the
2 Illinois General Assembly and made available to the public no
3 later than September 30, 2022. The study shall consider how
4 the proliferation of electric vehicles will adversely affect
5 resources needed for transportation infrastructure and take
6 into consideration any relevant federal actions. The study
7 shall identify the potential revenue loss and offer multiple
8 options for replacing those lost revenues. The Illinois
9 Department of Transportation shall collaborate with
10 organizations representing businesses involved in designing
11 and building transportation infrastructure, organized labor,
12 the general business community, and users of the system. In
13 addition, the Illinois Department of Transportation may
14 collaborate with other state agencies, including but not
15 limited to the Illinois Secretary of State and the Illinois
16 Department of Revenue.

17 This Section is repealed on January 1, 2024.

18 Section 90-23. The Illinois Enterprise Zone Act is amended
19 by changing Section 5.5 as follows:

20 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

21 Sec. 5.5. High Impact Business.

22 (a) In order to respond to unique opportunities to assist
23 in the encouragement, development, growth, and expansion of
24 the private sector through large scale investment and

1 development projects, the Department is authorized to receive
2 and approve applications for the designation of "High Impact
3 Businesses" in Illinois subject to the following conditions:

4 (1) such applications may be submitted at any time
5 during the year;

6 (2) such business is not located, at the time of
7 designation, in an enterprise zone designated pursuant to
8 this Act;

9 (3) the business intends to do one or more of the
10 following:

11 (A) the business intends to make a minimum
12 investment of \$12,000,000 which will be placed in
13 service in qualified property and intends to create
14 500 full-time equivalent jobs at a designated location
15 in Illinois or intends to make a minimum investment of
16 \$30,000,000 which will be placed in service in
17 qualified property and intends to retain 1,500
18 full-time retained jobs at a designated location in
19 Illinois. The business must certify in writing that
20 the investments would not be placed in service in
21 qualified property and the job creation or job
22 retention would not occur without the tax credits and
23 exemptions set forth in subsection (b) of this
24 Section. The terms "placed in service" and "qualified
25 property" have the same meanings as described in
26 subsection (h) of Section 201 of the Illinois Income

1 Tax Act; or

2 (B) the business intends to establish a new
3 electric generating facility at a designated location
4 in Illinois. "New electric generating facility", for
5 purposes of this Section, means a newly-constructed
6 electric generation plant or a newly-constructed
7 generation capacity expansion at an existing electric
8 generation plant, including the transmission lines and
9 associated equipment that transfers electricity from
10 points of supply to points of delivery, and for which
11 such new foundation construction commenced not sooner
12 than July 1, 2001. Such facility shall be designed to
13 provide baseload electric generation and shall operate
14 on a continuous basis throughout the year; and (i)
15 shall have an aggregate rated generating capacity of
16 at least 1,000 megawatts for all new units at one site
17 if it uses natural gas as its primary fuel and
18 foundation construction of the facility is commenced
19 on or before December 31, 2004, or shall have an
20 aggregate rated generating capacity of at least 400
21 megawatts for all new units at one site if it uses coal
22 or gases derived from coal as its primary fuel and
23 shall support the creation of at least 150 new
24 Illinois coal mining jobs, or (ii) shall be funded
25 through a federal Department of Energy grant before
26 December 31, 2010 and shall support the creation of

1 Illinois coal-mining jobs, or (iii) shall use coal
2 gasification or integrated gasification-combined cycle
3 units that generate electricity or chemicals, or both,
4 and shall support the creation of Illinois coal-mining
5 jobs. The business must certify in writing that the
6 investments necessary to establish a new electric
7 generating facility would not be placed in service and
8 the job creation in the case of a coal-fueled plant
9 would not occur without the tax credits and exemptions
10 set forth in subsection (b-5) of this Section. The
11 term "placed in service" has the same meaning as
12 described in subsection (h) of Section 201 of the
13 Illinois Income Tax Act; or

14 (B-5) the business intends to establish a new
15 gasification facility at a designated location in
16 Illinois. As used in this Section, "new gasification
17 facility" means a newly constructed coal gasification
18 facility that generates chemical feedstocks or
19 transportation fuels derived from coal (which may
20 include, but are not limited to, methane, methanol,
21 and nitrogen fertilizer), that supports the creation
22 or retention of Illinois coal-mining jobs, and that
23 qualifies for financial assistance from the Department
24 before December 31, 2010. A new gasification facility
25 does not include a pilot project located within
26 Jefferson County or within a county adjacent to

1 Jefferson County for synthetic natural gas from coal;
2 or

3 (C) the business intends to establish production
4 operations at a new coal mine, re-establish production
5 operations at a closed coal mine, or expand production
6 at an existing coal mine at a designated location in
7 Illinois not sooner than July 1, 2001; provided that
8 the production operations result in the creation of
9 150 new Illinois coal mining jobs as described in
10 subdivision (a)(3)(B) of this Section, and further
11 provided that the coal extracted from such mine is
12 utilized as the predominant source for a new electric
13 generating facility. The business must certify in
14 writing that the investments necessary to establish a
15 new, expanded, or reopened coal mine would not be
16 placed in service and the job creation would not occur
17 without the tax credits and exemptions set forth in
18 subsection (b-5) of this Section. The term "placed in
19 service" has the same meaning as described in
20 subsection (h) of Section 201 of the Illinois Income
21 Tax Act; or

22 (D) the business intends to construct new
23 transmission facilities or upgrade existing
24 transmission facilities at designated locations in
25 Illinois, for which construction commenced not sooner
26 than July 1, 2001. For the purposes of this Section,

1 "transmission facilities" means transmission lines
2 with a voltage rating of 115 kilovolts or above,
3 including associated equipment, that transfer
4 electricity from points of supply to points of
5 delivery and that transmit a majority of the
6 electricity generated by a new electric generating
7 facility designated as a High Impact Business in
8 accordance with this Section. The business must
9 certify in writing that the investments necessary to
10 construct new transmission facilities or upgrade
11 existing transmission facilities would not be placed
12 in service without the tax credits and exemptions set
13 forth in subsection (b-5) of this Section. The term
14 "placed in service" has the same meaning as described
15 in subsection (h) of Section 201 of the Illinois
16 Income Tax Act; or

17 (E) the business intends to establish a new wind
18 power facility at a designated location in Illinois.
19 For purposes of this Section, "new wind power
20 facility" means a newly constructed electric
21 generation facility, or a newly constructed expansion
22 of an existing electric generation facility, placed in
23 service on or after July 1, 2009, that generates
24 electricity using wind energy devices, and such
25 facility shall be deemed to include all associated
26 transmission lines, substations, and other equipment

1 related to the generation of electricity from wind
2 energy devices. For purposes of this Section, "wind
3 energy device" means any device, with a nameplate
4 capacity of at least 0.5 megawatts, that is used in the
5 process of converting kinetic energy from the wind to
6 generate electricity; or

7 (E-5) the business intends to establish a new
8 utility-scale solar facility at a designated location
9 in Illinois. For purposes of this Section, "new
10 utility-scale solar power facility" means a newly
11 constructed electric generation facility, or a newly
12 constructed expansion of an existing electric
13 generation facility, placed in service on or after
14 July 1, 2021, that (i) generates electricity using
15 photovoltaic cells and (ii) has a nameplate capacity
16 that is greater than 5,000 kilowatts, and such
17 facility shall be deemed to include all associated
18 transmission lines, substations, energy storage
19 facilities, and other equipment related to the
20 generation and storage of electricity from
21 photovoltaic cells; or

22 (F) the business commits to (i) make a minimum
23 investment of \$500,000,000, which will be placed in
24 service in a qualified property, (ii) create 125
25 full-time equivalent jobs at a designated location in
26 Illinois, (iii) establish a fertilizer plant at a

1 designated location in Illinois that complies with the
2 set-back standards as described in Table 1: Initial
3 Isolation and Protective Action Distances in the 2012
4 Emergency Response Guidebook published by the United
5 States Department of Transportation, (iv) pay a
6 prevailing wage for employees at that location who are
7 engaged in construction activities, and (v) secure an
8 appropriate level of general liability insurance to
9 protect against catastrophic failure of the fertilizer
10 plant or any of its constituent systems; in addition,
11 the business must agree to enter into a construction
12 project labor agreement including provisions
13 establishing wages, benefits, and other compensation
14 for employees performing work under the project labor
15 agreement at that location; for the purposes of this
16 Section, "fertilizer plant" means a newly constructed
17 or upgraded plant utilizing gas used in the production
18 of anhydrous ammonia and downstream nitrogen
19 fertilizer products for resale; for the purposes of
20 this Section, "prevailing wage" means the hourly cash
21 wages plus fringe benefits for training and
22 apprenticeship programs approved by the U.S.
23 Department of Labor, Bureau of Apprenticeship and
24 Training, health and welfare, insurance, vacations and
25 pensions paid generally, in the locality in which the
26 work is being performed, to employees engaged in work

1 of a similar character on public works; this paragraph
2 (F) applies only to businesses that submit an
3 application to the Department within 60 days after
4 July 25, 2013 (the effective date of Public Act
5 98-109) ~~this amendatory Act of the 98th General~~
6 ~~Assembly~~; and

7 (4) no later than 90 days after an application is
8 submitted, the Department shall notify the applicant of
9 the Department's determination of the qualification of the
10 proposed High Impact Business under this Section.

11 (b) Businesses designated as High Impact Businesses
12 pursuant to subdivision (a)(3)(A) of this Section shall
13 qualify for the credits and exemptions described in the
14 following Acts: Section 9-222 and Section 9-222.1A of the
15 Public Utilities Act, subsection (h) of Section 201 of the
16 Illinois Income Tax Act, and Section 1d of the Retailers'
17 Occupation Tax Act; provided that these credits and exemptions
18 described in these Acts shall not be authorized until the
19 minimum investments set forth in subdivision (a)(3)(A) of this
20 Section have been placed in service in qualified properties
21 and, in the case of the exemptions described in the Public
22 Utilities Act and Section 1d of the Retailers' Occupation Tax
23 Act, the minimum full-time equivalent jobs or full-time
24 retained jobs set forth in subdivision (a)(3)(A) of this
25 Section have been created or retained. Businesses designated
26 as High Impact Businesses under this Section shall also

1 qualify for the exemption described in Section 51 of the
2 Retailers' Occupation Tax Act. The credit provided in
3 subsection (h) of Section 201 of the Illinois Income Tax Act
4 shall be applicable to investments in qualified property as
5 set forth in subdivision (a) (3) (A) of this Section.

6 (b-5) Businesses designated as High Impact Businesses
7 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
8 and (a) (3) (D) of this Section shall qualify for the credits
9 and exemptions described in the following Acts: Section 51 of
10 the Retailers' Occupation Tax Act, Section 9-222 and Section
11 9-222.1A of the Public Utilities Act, and subsection (h) of
12 Section 201 of the Illinois Income Tax Act; however, the
13 credits and exemptions authorized under Section 9-222 and
14 Section 9-222.1A of the Public Utilities Act, and subsection
15 (h) of Section 201 of the Illinois Income Tax Act shall not be
16 authorized until the new electric generating facility, the new
17 gasification facility, the new transmission facility, or the
18 new, expanded, or reopened coal mine is operational, except
19 that a new electric generating facility whose primary fuel
20 source is natural gas is eligible only for the exemption under
21 Section 51 of the Retailers' Occupation Tax Act.

22 (b-6) Businesses designated as High Impact Businesses
23 pursuant to subdivision (a) (3) (E) of this Section shall
24 qualify for the exemptions described in Section 51 of the
25 Retailers' Occupation Tax Act; any business so designated as a
26 High Impact Business being, for purposes of this Section, a

1 "Wind Energy Business".

2 (b-7) Beginning on January 1, 2021, businesses designated
3 as High Impact Businesses by the Department shall qualify for
4 the High Impact Business construction jobs credit under
5 subsection (h-5) of Section 201 of the Illinois Income Tax Act
6 if the business meets the criteria set forth in subsection (i)
7 of this Section. The total aggregate amount of credits awarded
8 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
9 ~~this amendatory Act of the 101st General Assembly~~) shall not
10 exceed \$20,000,000 in any State fiscal year.

11 (c) High Impact Businesses located in federally designated
12 foreign trade zones or sub-zones are also eligible for
13 additional credits, exemptions and deductions as described in
14 the following Acts: Section 9-221 and Section 9-222.1 of the
15 Public Utilities Act; and subsection (g) of Section 201, and
16 Section 203 of the Illinois Income Tax Act.

17 (d) Except for businesses contemplated under subdivision
18 (a)(3)(E) of this Section, existing Illinois businesses which
19 apply for designation as a High Impact Business must provide
20 the Department with the prospective plan for which 1,500
21 full-time retained jobs would be eliminated in the event that
22 the business is not designated.

23 (e) Except for new wind power facilities contemplated
24 under subdivision (a)(3)(E) of this Section, new proposed
25 facilities which apply for designation as High Impact Business
26 must provide the Department with proof of alternative

1 non-Illinois sites which would receive the proposed investment
2 and job creation in the event that the business is not
3 designated as a High Impact Business.

4 (f) Except for businesses contemplated under subdivision
5 (a)(3)(E) of this Section, in the event that a business is
6 designated a High Impact Business and it is later determined
7 after reasonable notice and an opportunity for a hearing as
8 provided under the Illinois Administrative Procedure Act, that
9 the business would have placed in service in qualified
10 property the investments and created or retained the requisite
11 number of jobs without the benefits of the High Impact
12 Business designation, the Department shall be required to
13 immediately revoke the designation and notify the Director of
14 the Department of Revenue who shall begin proceedings to
15 recover all wrongfully exempted State taxes with interest. The
16 business shall also be ineligible for all State funded
17 Department programs for a period of 10 years.

18 (g) The Department shall revoke a High Impact Business
19 designation if the participating business fails to comply with
20 the terms and conditions of the designation. However, the
21 penalties for new wind power facilities or Wind Energy
22 Businesses for failure to comply with any of the terms or
23 conditions of the Illinois Prevailing Wage Act shall be only
24 those penalties identified in the Illinois Prevailing Wage
25 Act, and the Department shall not revoke a High Impact
26 Business designation as a result of the failure to comply with

1 any of the terms or conditions of the Illinois Prevailing Wage
2 Act in relation to a new wind power facility or a Wind Energy
3 Business.

4 (h) Prior to designating a business, the Department shall
5 provide the members of the General Assembly and Commission on
6 Government Forecasting and Accountability with a report
7 setting forth the terms and conditions of the designation and
8 guarantees that have been received by the Department in
9 relation to the proposed business being designated.

10 (i) High Impact Business construction jobs credit.
11 Beginning on January 1, 2021, a High Impact Business may
12 receive a tax credit against the tax imposed under subsections
13 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
14 amount equal to 50% of the amount of the incremental income tax
15 attributable to High Impact Business construction jobs credit
16 employees employed in the course of completing a High Impact
17 Business construction jobs project. However, the High Impact
18 Business construction jobs credit may equal 75% of the amount
19 of the incremental income tax attributable to High Impact
20 Business construction jobs credit employees if the High Impact
21 Business construction jobs credit project is located in an
22 underserved area.

23 The Department shall certify to the Department of Revenue:
24 (1) the identity of taxpayers that are eligible for the High
25 Impact Business construction jobs credit; and (2) the amount
26 of High Impact Business construction jobs credits that are

1 claimed pursuant to subsection (h-5) of Section 201 of the
2 Illinois Income Tax Act in each taxable year. Any business
3 entity that receives a High Impact Business construction jobs
4 credit shall maintain a certified payroll pursuant to
5 subsection (j) of this Section.

6 As used in this subsection (i):

7 "High Impact Business construction jobs credit" means an
8 amount equal to 50% (or 75% if the High Impact Business
9 construction project is located in an underserved area) of the
10 incremental income tax attributable to High Impact Business
11 construction job employees. The total aggregate amount of
12 credits awarded under the Blue Collar Jobs Act (Article 20 of
13 Public Act 101-9 ~~this amendatory Act of the 101st General~~
14 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
15 year

16 "High Impact Business construction job employee" means a
17 laborer or worker who is employed by an Illinois contractor or
18 subcontractor in the actual construction work on the site of a
19 High Impact Business construction job project.

20 "High Impact Business construction jobs project" means
21 building a structure or building or making improvements of any
22 kind to real property, undertaken and commissioned by a
23 business that was designated as a High Impact Business by the
24 Department. The term "High Impact Business construction jobs
25 project" does not include the routine operation, routine
26 repair, or routine maintenance of existing structures,

1 buildings, or real property.

2 "Incremental income tax" means the total amount withheld
3 during the taxable year from the compensation of High Impact
4 Business construction job employees.

5 "Underserved area" means a geographic area that meets one
6 or more of the following conditions:

7 (1) the area has a poverty rate of at least 20%
8 according to the latest federal decennial census;

9 (2) 75% or more of the children in the area
10 participate in the federal free lunch program according to
11 reported statistics from the State Board of Education;

12 (3) at least 20% of the households in the area receive
13 assistance under the Supplemental Nutrition Assistance
14 Program (SNAP); or

15 (4) the area has an average unemployment rate, as
16 determined by the Illinois Department of Employment
17 Security, that is more than 120% of the national
18 unemployment average, as determined by the U.S. Department
19 of Labor, for a period of at least 2 consecutive calendar
20 years preceding the date of the application.

21 (j) Each contractor and subcontractor who is engaged in
22 and executing a High Impact Business Construction jobs
23 project, as defined under subsection (i) of this Section, for
24 a business that is entitled to a credit pursuant to subsection
25 (i) of this Section shall:

26 (1) make and keep, for a period of 5 years from the

1 date of the last payment made on or after June 5, 2021 (the
2 effective date of Public Act 101-9) ~~this amendatory Act of~~
3 ~~the 101st General Assembly~~ on a contract or subcontract
4 for a High Impact Business Construction Jobs Project,
5 records for all laborers and other workers employed by the
6 contractor or subcontractor on the project; the records
7 shall include:

8 (A) the worker's name;

9 (B) the worker's address;

10 (C) the worker's telephone number, if available;

11 (D) the worker's social security number;

12 (E) the worker's classification or
13 classifications;

14 (F) the worker's gross and net wages paid in each
15 pay period;

16 (G) the worker's number of hours worked each day;

17 (H) the worker's starting and ending times of work
18 each day;

19 (I) the worker's hourly wage rate; and

20 (J) the worker's hourly overtime wage rate;

21 (2) no later than the 15th day of each calendar month,
22 provide a certified payroll for the immediately preceding
23 month to the taxpayer in charge of the High Impact
24 Business construction jobs project; within 5 business days
25 after receiving the certified payroll, the taxpayer shall
26 file the certified payroll with the Department of Labor

1 and the Department of Commerce and Economic Opportunity; a
2 certified payroll must be filed for only those calendar
3 months during which construction on a High Impact Business
4 construction jobs project has occurred; the certified
5 payroll shall consist of a complete copy of the records
6 identified in paragraph (1) of this subsection (j), but
7 may exclude the starting and ending times of work each
8 day; the certified payroll shall be accompanied by a
9 statement signed by the contractor or subcontractor or an
10 officer, employee, or agent of the contractor or
11 subcontractor which avers that:

12 (A) he or she has examined the certified payroll
13 records required to be submitted by the Act and such
14 records are true and accurate; and

15 (B) the contractor or subcontractor is aware that
16 filing a certified payroll that he or she knows to be
17 false is a Class A misdemeanor.

18 A general contractor is not prohibited from relying on a
19 certified payroll of a lower-tier subcontractor, provided the
20 general contractor does not knowingly rely upon a
21 subcontractor's false certification.

22 Any contractor or subcontractor subject to this
23 subsection, and any officer, employee, or agent of such
24 contractor or subcontractor whose duty as an officer,
25 employee, or agent it is to file a certified payroll under this
26 subsection, who willfully fails to file such a certified

1 payroll on or before the date such certified payroll is
2 required by this paragraph to be filed and any person who
3 willfully files a false certified payroll that is false as to
4 any material fact is in violation of this Act and guilty of a
5 Class A misdemeanor.

6 The taxpayer in charge of the project shall keep the
7 records submitted in accordance with this subsection on or
8 after June 5, 2021 (the effective date of Public Act 101-9)
9 ~~this amendatory Act of the 101st General Assembly~~ for a period
10 of 5 years from the date of the last payment for work on a
11 contract or subcontract for the High Impact Business
12 construction jobs project.

13 The records submitted in accordance with this subsection
14 shall be considered public records, except an employee's
15 address, telephone number, and social security number, and
16 made available in accordance with the Freedom of Information
17 Act. The Department of Labor shall accept any reasonable
18 submissions by the contractor that meet the requirements of
19 this subsection (j) and shall share the information with the
20 Department in order to comply with the awarding of a High
21 Impact Business construction jobs credit. A contractor,
22 subcontractor, or public body may retain records required
23 under this Section in paper or electronic format.

24 (k) Upon 7 business days' notice, each contractor and
25 subcontractor shall make available for inspection and copying
26 at a location within this State during reasonable hours, the

1 records identified in this subsection (j) to the taxpayer in
2 charge of the High Impact Business construction jobs project,
3 its officers and agents, the Director of the Department of
4 Labor and his or her deputies and agents, and to federal,
5 State, or local law enforcement agencies and prosecutors.

6 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

7 Section 90-24. The Department of Labor Law of the Civil
8 Administrative Code of Illinois is amended by changing Section
9 1505-215 and by adding Section 1505-220 as follows:

10 (20 ILCS 1505/1505-215)

11 Sec. 1505-215. Bureau on Apprenticeship Programs and Clean
12 Energy Jobs ~~Advisory Board~~.

13 (a) For purposes of this Section:

14 "Clean energy jobs" means jobs in the clean energy sector.

15 "Clean energy jobs" includes constructing, development,
16 planning, administrative, sales, and other support functions
17 within these industries.

18 "Clean energy sector" means solar energy, wind energy,
19 energy efficiency, solar thermal, green hydrogen, geothermal,
20 and electric vehicle industries and other renewable energy
21 industries, industries achieving emission reductions, and
22 related industries that manufacture, develop, build, maintain,
23 or provide ancillary services to renewable energy resources or
24 energy efficiency products or services, including the

1 manufacture and installation of healthier building materials
2 that contain fewer hazardous chemicals.

3 (b) There is created within the Department of Labor a
4 Bureau on Apprenticeship Programs and Clean Energy Jobs. This
5 Bureau shall work to increase minority participation in active
6 apprentice programs in Illinois that are approved by the
7 United States Department of Labor and in clean energy jobs in
8 Illinois. The Bureau shall identify barriers to minorities
9 gaining access to construction careers and careers in clean
10 energy jobs and make recommendations to the Governor and the
11 General Assembly for policies to remove those barriers. The
12 Department may hire staff to perform outreach in promoting
13 diversity in active apprenticeship programs approved by the
14 United States Department of Labor and compile reports and
15 diversity, equity, and inclusion plans for clean energy sector
16 jobs. The Bureau and the Department shall coordinate with the
17 Department of Commerce and Economic Opportunity, Energy
18 Workforce Advisory Council, and the Energy Transition
19 Navigators in its efforts to compile information and remove
20 barriers to participation in clean energy jobs.

21 (c) The Bureau shall annually compile racial and gender
22 workforce diversity information from contractors receiving
23 State or other public funds and by labor unions with members
24 working on projects receiving State or other public funds that
25 are not otherwise subject to subsection (d).

26 (d) The Bureau shall compile racial and gender workforce

1 diversity information from certified transcripts of payroll
2 reports filed in the preceding year pursuant to the Prevailing
3 Wage Act for all clean energy sector construction projects.
4 The Bureau shall also compile racial and gender workforce
5 diversity information from all corporations, nonprofits,
6 developers, contractors, and other entities receiving State or
7 other public funds for projects in the clean energy sector.
8 The Bureau shall work with the Department of Commerce and
9 Economic Opportunity, the Illinois Power Agency, the Illinois
10 Commerce Commission, and other agencies, as necessary, to
11 receive and share data and reporting on racial and gender
12 workforce diversity, demographic data, and any other data
13 necessary to achieve the goals of this Section. The Bureau
14 shall work with the Department of Commerce and Economic
15 Opportunity to review the workforce recruiting and hiring
16 database developed in accordance with subsection (c-25) of
17 Section 1-75 of the Illinois Power Agency Act to verify
18 equitable recruiting and hiring practices by contractors and
19 employers in clean energy jobs.

20 (e) By April 15, 2022 and every April 15 thereafter, the
21 Bureau shall publish and make available on the Department's
22 website a report summarizing the racial and gender diversity
23 of the workforce on all clean energy sector projects by
24 county. The report shall use a consistent structure for
25 information requests and presentation, with an easy-to-use
26 table of contents, to enable comparable year-over-year

1 solicitation and benchmarking of data. The development of the
2 report structure shall be open to a public review and comment
3 period. That report shall compare the race, ethnicity, and
4 gender of the workers on clean energy projects to the general
5 population of the county in which the project is located. The
6 report shall also disaggregate such data to compare the race,
7 ethnicity, and gender of workers employed by union and
8 nonunion contractors and compare the race, ethnicity, and
9 gender of workers who reside in Illinois and those who reside
10 outside of Illinois. The report shall also include the race,
11 ethnicity, and gender of the workers by prevailing wage
12 classification.

13 (f) If the race, ethnicity, and gender of the workforce on
14 a clean energy sector project does not meet or exceed that of
15 the general population of the county in which the project is
16 located or, in the case of a project in which any of the
17 workers are represented by a union, the geographic
18 jurisdiction of that union, the Bureau shall request a written
19 explanation from the contractors that employed workers on such
20 project and any unions representing those workers, as
21 applicable. If deemed necessary by the Bureau, the contractors
22 and any unions representing workers on such project shall be
23 required by the Bureau to develop a plan to increase
24 diversity, equity, and inclusion on future clean energy sector
25 projects in that county or, in the case of a union, the
26 geographic jurisdiction covered by the union. The plan should

1 include: (i) areas of work and clean energy jobs each entity
2 will actively seek more participation in during the next year;
3 (ii) an outline of the plan to alert and encourage potential
4 workers to seek clean energy jobs; (iii) an explanation of the
5 challenges faced in finding quality workers and suggestions
6 for what the Bureau could do to aid in identifying potential
7 workers; (iv) a list of certifications, if any, the entity
8 requires for workers to obtain clean energy jobs; (v) the
9 point of contact for any potential worker seeking a clean
10 energy job or other opportunity with the entity; and (vi) any
11 success stories to encourage other entities to emulate the
12 best practices.

13 The Bureau and all entities subject to the requirements of
14 subsection (d) shall hold an annual workshop open to the
15 public in 2022 and every year thereafter on the state of racial
16 and gender workforce diversity in the clean energy sector in
17 order to collaboratively seek solutions to structural
18 impediments to achieving diversity, equity, and inclusion
19 goals, including testimony from each participating entity,
20 subject matter experts, and advocates.

21 (g) The Bureau shall publish each annual report prepared
22 and filed pursuant to subsection (d) on the Department of
23 Labor's website for at least 5 years.

24 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
25 revised 10-22-20.)

1 (20 ILCS 1505/1505-220 new)

2 Sec. 1505-220. Small Clean Energy Contractor Prevailing
3 Wage Act Assistance. The General Assembly finds that small
4 clean energy businesses, especially those in or serving
5 underserved or historically disinvested communities, need
6 assistance and resources to help them comply with the
7 Prevailing Wage Act. Therefore, the Department of Labor shall
8 develop and administer a statewide program to assist small
9 clean energy contractors in administering and complying with
10 the Prevailing Wage Act requirements. This Program shall
11 provide training and ongoing technical assistance pertaining
12 to compliance with the Prevailing Wage Act, including
13 certified payroll reporting requirements. Ongoing assistance
14 shall include, but is not limited to, answering contractor
15 questions, recommending tools and process improvements,
16 establishing an account with and utilizing the Certified
17 Transcript of Payroll Portal and alerting businesses when
18 certified payroll reports are incomplete or incorrect,
19 building administrative expertise within individual
20 businesses, and any other assistance businesses identify as
21 needed based on verbal or other input. All Program training,
22 technical assistance, materials, services, and systems shall
23 be structured to accommodate and address real-world
24 circumstances encountered by small clean energy contractors;
25 shall be developed, refined, and adjusted as necessary in
26 consultation with such contractors; and shall be administered

1 to serve businesses that operate in languages other than
2 English and do so at a level of service equivalent to that
3 offered to businesses that operate in English. The Department
4 may enter into agreements with contractors with experience in
5 supporting small businesses in underserved or historically
6 disinvested communities to implement portions or all of the
7 program, ensuring such capacity is developed in northern,
8 central, and southern Illinois regions. The Department shall
9 communicate and market program services to small clean energy
10 contractors statewide, and may do so in coordination with the
11 Department of Commerce and Economic Opportunity.

12 Section 90-25. The Energy Efficient Building Act is
13 amended by changing Sections 10, 15, 20, 30, 40, and 45 and by
14 adding Section 55 as follows:

15 (20 ILCS 3125/10)

16 Sec. 10. Definitions.

17 "Board" means the Capital Development Board.

18 "Building" includes both residential buildings and
19 commercial buildings.

20 "Code" means the latest published edition of the
21 International Code Council's International Energy Conservation
22 Code as adopted by the Board, including any published
23 supplements adopted by the Board and any amendments and
24 adaptations to the Code that are made by the Board.

1 "Commercial building" means any building except a building
2 that is a residential building, as defined in this Section.

3 "Department" means the Department of Commerce and Economic
4 Opportunity.

5 "Municipality" means any city, village, or incorporated
6 town.

7 "Residential building" means (i) a detached one-family or
8 2-family dwelling or (ii) any building that is 3 stories or
9 less in height above grade that contains multiple dwelling
10 units, in which the occupants reside on a primarily permanent
11 basis, such as a townhouse, a row house, an apartment house, a
12 convent, a monastery, a rectory, a fraternity or sorority
13 house, a dormitory, and a rooming house; provided, however,
14 that when applied to a building located within the boundaries
15 of a municipality having a population of 1,000,000 or more,
16 the term "residential building" means a building containing
17 one or more dwelling units, not exceeding 4 stories above
18 grade, where occupants are primarily permanent.

19 "Site energy index" means a scalar published by the
20 Pacific Northwest National Laboratories representing the ratio
21 of the site energy performance of an evaluated code compared
22 to the site energy performance of the 2006 International
23 Energy Conservation Code. A "site energy index" includes only
24 conservation measures and excludes net energy credit for any
25 on-site or off-site energy production.

26 (Source: P.A. 101-144, eff. 7-26-19.)

1 (20 ILCS 3125/15)

2 Sec. 15. Energy Efficient Building Code. The Board, in
3 consultation with the Department, shall adopt the Code as
4 minimum requirements for commercial buildings, applying to the
5 construction of, renovations to, and additions to all
6 commercial buildings in the State. The Board, in consultation
7 with the Department, shall also adopt the Code as the minimum
8 and maximum requirements for residential buildings, applying
9 to the construction of, renovations to, and additions to all
10 residential buildings in the State, except as provided for in
11 Section 45 of this Act. The Board may appropriately adapt the
12 International Energy Conservation Code to apply to the
13 particular economy, population distribution, geography, and
14 climate of the State and construction therein, consistent with
15 the public policy objectives of this Act.

16 (Source: P.A. 96-778, eff. 8-28-09.)

17 (20 ILCS 3125/20)

18 Sec. 20. Applicability.

19 (a) The Board shall review and adopt the Code within one
20 year after its publication. The Code shall take effect within
21 6 months after it is adopted by the Board, except that,
22 beginning January 1, 2012, the Code adopted in 2012 shall take
23 effect on January 1, 2013. Except as otherwise provided in
24 this Act, the Code shall apply to (i) any new building or

1 structure in this State for which a building permit
2 application is received by a municipality or county and (ii)
3 beginning on the effective date of this amendatory Act of the
4 100th General Assembly, each State facility specified in
5 Section 4.01 of the Capital Development Board Act. In the case
6 of any addition, alteration, renovation, or repair to an
7 existing residential or commercial structure, the Code adopted
8 under this Act applies only to the portions of that structure
9 that are being added, altered, renovated, or repaired. The
10 changes made to this Section by this amendatory Act of the 97th
11 General Assembly shall in no way invalidate or otherwise
12 affect contracts entered into on or before the effective date
13 of this amendatory Act of the 97th General Assembly.

14 (b) The following buildings shall be exempt from the Code:

15 (1) Buildings otherwise exempt from the provisions of
16 a locally adopted building code and buildings that do not
17 contain a conditioned space.

18 (2) Buildings that do not use either electricity or
19 fossil fuel for comfort conditioning. For purposes of
20 determining whether this exemption applies, a building
21 will be presumed to be heated by electricity, even in the
22 absence of equipment used for electric comfort heating,
23 whenever the building is provided with electrical service
24 in excess of 100 amps, unless the code enforcement
25 official determines that this electrical service is
26 necessary for purposes other than providing electric

1 comfort heating.

2 (3) Historic buildings. This exemption shall apply to
3 those buildings that are listed on the National Register
4 of Historic Places or the Illinois Register of Historic
5 Places, and to those buildings that have been designated
6 as historically significant by a local governing body that
7 is authorized to make such designations.

8 (4) (Blank).

9 (5) Other buildings specified as exempt by the
10 International Energy Conservation Code.

11 (c) Additions, alterations, renovations, or repairs to an
12 existing building, building system, or portion thereof shall
13 conform to the provisions of the Code as they relate to new
14 construction without requiring the unaltered portion of the
15 existing building or building system to comply with the Code.
16 The following need not comply with the Code, provided that the
17 energy use of the building is not increased: (i) storm windows
18 installed over existing fenestration, (ii) glass-only
19 replacements in an existing sash and frame, (iii) existing
20 ceiling, wall, or floor cavities exposed during construction,
21 provided that these cavities are filled with insulation, and
22 (iv) construction where the existing roof, wall, or floor is
23 not exposed.

24 (d) A unit of local government that does not regulate
25 energy efficient building standards is not required to adopt,
26 enforce, or administer the Code; however, any energy efficient

1 building standards adopted by a unit of local government must
2 comply with this Act. If a unit of local government does not
3 regulate energy efficient building standards, any
4 construction, renovation, or addition to buildings or
5 structures is subject to the provisions contained in this Act.
6 (Source: P.A. 100-729, eff. 8-3-18.)

7 (20 ILCS 3125/30)

8 Sec. 30. Enforcement. The Board, in consultation with the
9 Department, shall determine procedures for compliance with the
10 Code. These procedures may include but need not be limited to
11 certification by a national, State, or local accredited energy
12 conservation program or inspections from private
13 Code-certified inspectors using the Code. For purposes of the
14 Illinois Stretch Energy Code under Section 55, the Board shall
15 allow and encourage, as an alternative compliance mechanism,
16 project certification by a nationally recognized nonprofit
17 certification organization specializing in high-performance
18 passive buildings and offering climate-specific building
19 energy standards that require equal or better energy
20 performance than the Illinois Stretch Energy Code.

21 (Source: P.A. 93-936, eff. 8-13-04.)

22 (20 ILCS 3125/40)

23 Sec. 40. Input from interested parties. When developing
24 Code adaptations, rules, and procedures for compliance with

1 the Code, the Capital Development Board shall seek input from
2 representatives from the building trades, design
3 professionals, construction professionals, code
4 administrators, and other interested entities affected. Any
5 board or group that the Capital Development Board seeks input
6 from must include the following:

7 (i) a representative from a group that represents
8 environmental justice;

9 (ii) a representative of a nonprofit or professional
10 association advocating for the environment;

11 (iii) an energy-efficiency advocate with technical
12 expertise in single-family residential buildings;

13 (iv) an energy-efficiency advocate with technical
14 expertise in commercial buildings; and

15 (v) an energy-efficiency advocate with technical expertise
16 in multifamily buildings, such as an affordable housing
17 developer.

18 (Source: P.A. 99-639, eff. 7-28-16.)

19 (20 ILCS 3125/45)

20 Sec. 45. Home rule.

21 (a) (Blank). No unit of local government, including any
22 home rule unit, may regulate energy efficient building
23 standards for commercial buildings in a manner that is less
24 stringent than the provisions contained in this Act.

25 (b) No unit of local government, including any home rule

1 unit, may regulate energy efficient building standards for
2 residential buildings in a manner that is either less or more
3 stringent than the standards established pursuant to this Act;
4 provided, however, that the following entities may regulate
5 energy efficient building standards for residential or
6 commercial buildings in a manner that is more stringent than
7 the provisions contained in this Act: (i) a unit of local
8 government, including a home rule unit, that has, on or before
9 May 15, 2009, adopted or incorporated by reference energy
10 efficient building standards for residential or commercial
11 buildings that are equivalent to or more stringent than the
12 2006 International Energy Conservation Code, (ii) a unit of
13 local government, including a home rule unit, that has, on or
14 before May 15, 2009, provided to the Capital Development
15 Board, as required by Section 10.18 of the Capital Development
16 Board Act, an identification of an energy efficient building
17 code or amendment that is equivalent to or more stringent than
18 the 2006 International Energy Conservation Code, (ii-5) a
19 municipality that has adopted the Illinois Stretch Energy
20 Code, and (iii) a municipality with a population of 1,000,000
21 or more.

22 (c) No unit of local government, including any home rule
23 unit or unit of local government that is subject to State
24 regulation under the Code as provided in Section 15 of this
25 Act, may hereafter enact any annexation ordinance or
26 resolution, or require or enter into any annexation agreement,

1 that imposes energy efficient building standards for
2 residential or commercial buildings that are either less or
3 more stringent than the energy efficiency standards in effect,
4 at the time of construction, throughout the unit of local
5 government, except for the Illinois Stretch Energy Code.

6 (d) This Section is a denial and limitation of home rule
7 powers and functions under subsection (i) of Section 6 of
8 Article VII of the Illinois Constitution on the concurrent
9 exercise by home rule units of powers and functions exercised
10 by the State. Nothing in this Section, however, prevents a
11 unit of local government from adopting an energy efficiency
12 code or standards for commercial buildings that are more
13 stringent than the Code under this Act.

14 (e) A unit of local government requiring the Illinois
15 Stretch Energy Code must do so with the adoption of the Code by
16 its governing body.

17 (Source: P.A. 99-639, eff. 7-28-16.)

18 (20 ILCS 3125/55 new)

19 Sec. 55. Illinois Stretch Energy Code.

20 (a) The Board, in consultation with the Department, shall
21 create and adopt the Illinois Stretch Energy Code, to allow
22 municipalities and projects authorized or funded by the Board
23 to achieve more energy efficiency in buildings than the
24 Illinois Energy Conservation Code through a consistent pathway
25 across the State. The Illinois Stretch Energy Code shall be

1 available for adoption by any municipality and shall set
2 minimum energy efficiency requirements, taking the place of
3 the Illinois Energy Conservation Code within any municipality
4 that adopts the Illinois Stretch Energy Code.

5 (b) The Illinois Stretch Energy Code shall have separate
6 components for commercial and residential buildings, which may
7 be adopted by the municipality jointly or separately.

8 (c) The Illinois Stretch Energy Code shall apply to all
9 projects to which an energy conservation code is applicable
10 that are authorized or funded in any part by the Board after
11 January 1, 2023.

12 (d) Development of the Illinois Stretch Energy Code shall
13 be completed and available for adoption by municipalities by
14 December 31, 2023.

15 (e) Consistent with the requirements under paragraph (2.5)
16 of subsection (g) of Section 8-103B of the Public Utilities
17 Act and under paragraph (2) of subsection (j) of Section 8-104
18 of the Public Utilities Act, municipalities may adopt the
19 Illinois Stretch Energy Code and may use utility programs to
20 support compliance with the Illinois Stretch Energy Code. The
21 amount of savings from such utility efforts that may be
22 counted toward achievement of their annual savings goals shall
23 be based on reasonable estimates of the increase in savings
24 resulting from the utility efforts, relative to reasonable
25 approximations of what would have occurred absent the utility
26 involvement.

1 (f) The Illinois Stretch Energy Code's residential
2 components shall:

3 (1) apply to residential buildings as defined under
4 Section 10;

5 (2) set performance targets using a site energy index
6 with reductions relative to the 2006 International Energy
7 Conservation Code; and

8 (3) include stretch energy codes with site energy
9 index standards and adoption dates as follows: by no later
10 than December 31, 2022, the Board shall create and adopt a
11 stretch energy code with a site energy index no greater
12 than 0.50 of the 2006 International Energy Conservation
13 Code; by no later than December 31, 2025, the Board shall
14 create and adopt a stretch energy code with a site energy
15 index no greater than 0.40 of the 2006 International
16 Energy Conservation Code, unless the Board identifies
17 unanticipated burdens associated with the stretch energy
18 code adopted in 2022, in which case the Board may adopt a
19 stretch energy code with a site energy index no greater
20 than 0.42 of the 2006 International Energy Conservation
21 Code, provided that the more relaxed standard has a site
22 energy index that is at least 0.05 more restrictive than
23 the 2024 International Energy Conservation Code; by no
24 later than December 31, 2028, the Board shall create and
25 adopt a stretch energy code with a site energy index no
26 greater than 0.33 of the 2006 International Energy

1 Conservation Code, unless the Board identifies
2 unanticipated burdens associated with the stretch energy
3 code adopted in 2025, in which case the Board may adopt a
4 stretch energy code with a site energy index no greater
5 than 0.35 of the 2006 International Energy Conservation
6 Code, but only if that more relaxed standard has a site
7 energy index that is at least 0.05 more restrictive than
8 the 2027 International Energy Conservation Code; and by no
9 later than December 31, 2031, the Board shall create and
10 adopt a stretch energy code with a site energy index no
11 greater than 0.25 of the 2006 International Energy
12 Conservation Code.

13 (g) The Illinois Stretch Energy Code's commercial
14 components shall:

15 (1) apply to commercial buildings as defined under
16 Section 10;

17 (2) set performance targets using a site energy index
18 with reductions relative to the 2006 International Energy
19 Conservation Code; and

20 (3) include stretch energy codes with site energy
21 index standards and adoption dates as follows: by no later
22 than December 31, 2022, the Board shall create and adopt a
23 stretch energy code with a site energy index no greater
24 than 0.60 of the 2006 International Energy Conservation
25 Code; by no later than December 31, 2025, the Board shall
26 create and adopt a stretch energy code with a site energy

1 index no greater than 0.50 of the 2006 International
2 Energy Conservation Code; by no later than December 31,
3 2028, the Board shall create and adopt a stretch energy
4 code with a site energy index no greater than 0.44 of the
5 2006 International Energy Conservation Code; and by no
6 later than December 31, 2031, the Board shall create and
7 adopt a stretch energy code with a site energy index no
8 greater than 0.39 of the 2006 International Energy
9 Conservation Code.

10 (h) The process for the creation of the Illinois Stretch
11 Energy Code includes:

12 (1) within 60 days after the effective date of this
13 amendatory Act of the 102nd General Assembly, the Capital
14 Development Board shall meet with the Illinois Energy Code
15 Advisory Council to advise and provide technical
16 assistance and recommendations to the Capital Development
17 Board for the Illinois Stretch Energy Code, which shall:

18 (A) advise the Capital Development Board on
19 creation of interim performance targets, code
20 requirements, and an implementation plan for the
21 Illinois Stretch Energy Code;

22 (B) recommend amendments to proposed rules issued
23 by the Capital Development Board;

24 (C) recommend complementary programs or policies;

25 (D) complete recommendations and development for
26 the Illinois Stretch Energy Code elements and

1 requirements by July 31, 2022;

2 (2) As part of its deliberations, the Illinois Energy
3 Code Advisory Council shall actively solicit input from
4 other energy code stakeholders and interested parties.

5 Section 90-30. The Illinois Power Agency Act is amended by
6 changing Sections 1-5, 1-10, 1-20, 1-35, 1-56, 1-70, 1-75,
7 1-92, and 1-125 and by adding Section 1-128 as follows:

8 (20 ILCS 3855/1-5)

9 Sec. 1-5. Legislative declarations and findings. The
10 General Assembly finds and declares:

11 (1) The health, welfare, and prosperity of all
12 Illinois residents ~~citizens~~ require the provision of
13 adequate, reliable, affordable, efficient, and
14 environmentally sustainable electric service at the lowest
15 total cost over time, taking into account any benefits of
16 price stability.

17 (1.5) To provide the highest quality of life for the
18 residents of Illinois and to provide for a clean and
19 healthy environment, it is the policy of this State to
20 rapidly transition to 100% clean energy by 2050.

21 (2) (Blank).

22 (3) (Blank).

23 (4) It is necessary to improve the process of
24 procuring electricity to serve Illinois residents, to

1 promote investment in energy efficiency and
2 demand-response measures, and to maintain and support
3 development of clean coal technologies, generation
4 resources that operate at all hours of the day and under
5 all weather conditions, zero emission facilities, and
6 renewable resources.

7 (5) Procuring a diverse electricity supply portfolio
8 will ensure the lowest total cost over time for adequate,
9 reliable, efficient, and environmentally sustainable
10 electric service.

11 (6) Including renewable resources and zero emission
12 credits from zero emission facilities in that portfolio
13 will reduce long-term direct and indirect costs to
14 consumers by decreasing environmental impacts and by
15 avoiding or delaying the need for new generation,
16 transmission, and distribution infrastructure. Developing
17 new renewable energy resources in Illinois, including
18 brownfield solar projects and community solar projects,
19 will help to diversify Illinois electricity supply, avoid
20 and reduce pollution, reduce peak demand, and enhance
21 public health and well-being of Illinois residents.

22 (7) Developing community solar projects in Illinois
23 will help to expand access to renewable energy resources
24 to more Illinois residents.

25 (8) Developing brownfield solar projects in Illinois
26 will help return blighted or contaminated land to

1 productive use while enhancing public health and the
2 well-being of Illinois residents, including those in
3 environmental justice communities.

4 (9) Energy efficiency, demand-response measures, zero
5 emission energy, and renewable energy are resources
6 currently underused in Illinois. These resources should be
7 used, when cost effective, to reduce costs to consumers,
8 improve reliability, and improve environmental quality and
9 public health.

10 (10) The State should encourage the use of advanced
11 clean coal technologies that capture and sequester carbon
12 dioxide emissions to advance environmental protection
13 goals and to demonstrate the viability of coal and
14 coal-derived fuels in a carbon-constrained economy.

15 (10.5) The State should encourage the development of
16 interregional high voltage direct current (HVDC)
17 transmission lines that benefit Illinois. All ratepayers
18 in the State served by the regional transmission
19 organization where the HVDC converter station is
20 interconnected benefit from the long-term price stability
21 and market access provided by interregional HVDC
22 transmission facilities. The benefits to Illinois include:
23 reduction in wholesale power prices; access to lower-cost
24 markets; enabling the integration of additional renewable
25 generating units within the State through near
26 instantaneous dispatchability and the provision of

1 ancillary services; creating good-paying union jobs in
2 Illinois; and, enhancing grid reliability and climate
3 resilience via HVDC facilities that are installed
4 underground.

5 (10.6) The health, welfare, and safety of the people
6 of the State are advanced by developing new HVDC
7 transmission lines predominantly along transportation
8 rights-of-way, with an HVDC converter station that is
9 located in the service territory of a public utility as
10 defined in Section 3-105 of the Public Utilities Act
11 servicing more than 3,000,000 retail customers, and with a
12 project labor agreement as defined in Section 1-10 of this
13 Act.

14 (11) The General Assembly enacted Public Act 96-0795
15 to reform the State's purchasing processes, recognizing
16 that government procurement is susceptible to abuse if
17 structural and procedural safeguards are not in place to
18 ensure independence, insulation, oversight, and
19 transparency.

20 (12) The principles that underlie the procurement
21 reform legislation apply also in the context of power
22 purchasing.

23 (13) To ensure that the benefits of installing
24 renewable resources are available to all Illinois
25 residents and located across the State, subject to
26 appropriation, it is necessary for the Agency to provide

1 public information and educational resources on how
2 residents can benefit from the expansion of renewable
3 energy in Illinois and participate in the Illinois Solar
4 for All Program established in Section 1-56, the
5 Adjustable Block program established in Section 1-75, the
6 job training programs established by paragraph (1) of
7 subsection (a) of Section 16-108.12 of the Public
8 Utilities Act, and the programs and resources established
9 by the Energy Transition Act.

10 The General Assembly therefore finds that it is necessary
11 to create the Illinois Power Agency and that the goals and
12 objectives of that Agency are to accomplish each of the
13 following:

14 (A) Develop electricity procurement plans to ensure
15 adequate, reliable, affordable, efficient, and
16 environmentally sustainable electric service at the lowest
17 total cost over time, taking into account any benefits of
18 price stability, for electric utilities that on December
19 31, 2005 provided electric service to at least 100,000
20 customers in Illinois and for small multi-jurisdictional
21 electric utilities that (i) on December 31, 2005 served
22 less than 100,000 customers in Illinois and (ii) request a
23 procurement plan for their Illinois jurisdictional load.
24 The procurement plan shall be updated on an annual basis
25 and shall include renewable energy resources and,
26 beginning with the delivery year commencing June 1, 2017,

1 zero emission credits from zero emission facilities
2 sufficient to achieve the standards specified in this Act.

3 (B) Conduct the competitive procurement processes
4 identified in this Act.

5 (C) Develop electric generation and co-generation
6 facilities that use indigenous coal or renewable
7 resources, or both, financed with bonds issued by the
8 Illinois Finance Authority.

9 (D) Supply electricity from the Agency's facilities at
10 cost to one or more of the following: municipal electric
11 systems, governmental aggregators, or rural electric
12 cooperatives in Illinois.

13 (E) Ensure that the process of power procurement is
14 conducted in an ethical and transparent fashion, immune
15 from improper influence.

16 (F) Continue to review its policies and practices to
17 determine how best to meet its mission of providing the
18 lowest cost power to the greatest number of people, at any
19 given point in time, in accordance with applicable law.

20 (G) Operate in a structurally insulated, independent,
21 and transparent fashion so that nothing impedes the
22 Agency's mission to secure power at the best prices the
23 market will bear, provided that the Agency meets all
24 applicable legal requirements.

25 (H) Implement renewable energy procurement and
26 training programs throughout the State to diversify

1 Illinois electricity supply, improve reliability, avoid
2 and reduce pollution, reduce peak demand, and enhance
3 public health and well-being of Illinois residents,
4 including low-income residents.

5 (Source: P.A. 99-906, eff. 6-1-17.)

6 (20 ILCS 3855/1-10)

7 Sec. 1-10. Definitions.

8 "Agency" means the Illinois Power Agency.

9 "Agency loan agreement" means any agreement pursuant to
10 which the Illinois Finance Authority agrees to loan the
11 proceeds of revenue bonds issued with respect to a project to
12 the Agency upon terms providing for loan repayment
13 installments at least sufficient to pay when due all principal
14 of, interest and premium, if any, on those revenue bonds, and
15 providing for maintenance, insurance, and other matters in
16 respect of the project.

17 "Authority" means the Illinois Finance Authority.

18 "Brownfield site photovoltaic project" means photovoltaics
19 that are either:

20 (1) interconnected to an electric utility as defined
21 in this Section, a municipal utility as defined in this
22 Section, a public utility as defined in Section 3-105 of
23 the Public Utilities Act, or an electric cooperative~~7~~ as
24 defined in Section 3-119 of the Public Utilities Act~~7~~ and
25 ~~(2)~~ located at a site that is regulated by any of the

1 following entities under the following programs:

2 (A) the United States Environmental Protection
3 Agency under the federal Comprehensive Environmental
4 Response, Compensation, and Liability Act of 1980, as
5 amended;

6 (B) the United States Environmental Protection
7 Agency under the Corrective Action Program of the
8 federal Resource Conservation and Recovery Act, as
9 amended;

10 (C) the Illinois Environmental Protection Agency
11 under the Illinois Site Remediation Program; or

12 (D) the Illinois Environmental Protection Agency
13 under the Illinois Solid Waste Program; ~~or-~~

14 (2) located at the site of a coal mine that has
15 permanently ceased coal production, permanently halted any
16 re-mining operations, and is no longer accepting any coal
17 combustion residues; has both completed all clean-up and
18 remediation obligations under the federal Surface Mining
19 and Reclamation Act of 1977 and all applicable Illinois
20 rules and any other clean-up, remediation, or ongoing
21 monitoring to safeguard the health and well-being of the
22 people of the State of Illinois, as well as demonstrated
23 compliance with all applicable federal and State
24 environmental rules and regulations, including, but not
25 limited, to 35 Ill. Adm. Code Part 845 and any rules for
26 historic fill of coal combustion residuals, including any

1 rules finalized in Subdocket A of Illinois Pollution
2 Control Board docket R2020-019.

3 "Clean coal facility" means an electric generating
4 facility that uses primarily coal as a feedstock and that
5 captures and sequesters carbon dioxide emissions at the
6 following levels: at least 50% of the total carbon dioxide
7 emissions that the facility would otherwise emit if, at the
8 time construction commences, the facility is scheduled to
9 commence operation before 2016, at least 70% of the total
10 carbon dioxide emissions that the facility would otherwise
11 emit if, at the time construction commences, the facility is
12 scheduled to commence operation during 2016 or 2017, and at
13 least 90% of the total carbon dioxide emissions that the
14 facility would otherwise emit if, at the time construction
15 commences, the facility is scheduled to commence operation
16 after 2017. The power block of the clean coal facility shall
17 not exceed allowable emission rates for sulfur dioxide,
18 nitrogen oxides, carbon monoxide, particulates and mercury for
19 a natural gas-fired combined-cycle facility the same size as
20 and in the same location as the clean coal facility at the time
21 the clean coal facility obtains an approved air permit. All
22 coal used by a clean coal facility shall have high volatile
23 bituminous rank and greater than 1.7 pounds of sulfur per
24 million btu content, unless the clean coal facility does not
25 use gasification technology and was operating as a
26 conventional coal-fired electric generating facility on June

1 1, 2009 (the effective date of Public Act 95-1027).

2 "Clean coal SNG brownfield facility" means a facility that
3 (1) has commenced construction by July 1, 2015 on an urban
4 brownfield site in a municipality with at least 1,000,000
5 residents; (2) uses a gasification process to produce
6 substitute natural gas; (3) uses coal as at least 50% of the
7 total feedstock over the term of any sourcing agreement with a
8 utility and the remainder of the feedstock may be either
9 petroleum coke or coal, with all such coal having a high
10 bituminous rank and greater than 1.7 pounds of sulfur per
11 million Btu content unless the facility reasonably determines
12 that it is necessary to use additional petroleum coke to
13 deliver additional consumer savings, in which case the
14 facility shall use coal for at least 35% of the total feedstock
15 over the term of any sourcing agreement; and (4) captures and
16 sequesters at least 85% of the total carbon dioxide emissions
17 that the facility would otherwise emit.

18 "Clean coal SNG facility" means a facility that uses a
19 gasification process to produce substitute natural gas, that
20 sequesters at least 90% of the total carbon dioxide emissions
21 that the facility would otherwise emit, that uses at least 90%
22 coal as a feedstock, with all such coal having a high
23 bituminous rank and greater than 1.7 pounds of sulfur per
24 million btu content, and that has a valid and effective permit
25 to construct emission sources and air pollution control
26 equipment and approval with respect to the federal regulations

1 for Prevention of Significant Deterioration of Air Quality
2 (PSD) for the plant pursuant to the federal Clean Air Act;
3 provided, however, a clean coal SNG brownfield facility shall
4 not be a clean coal SNG facility.

5 "Clean energy" means energy generation that is 90% or
6 greater free of carbon dioxide emissions.

7 "Commission" means the Illinois Commerce Commission.

8 "Community renewable generation project" means an electric
9 generating facility that:

10 (1) is powered by wind, solar thermal energy,
11 photovoltaic cells or panels, biodiesel, crops and
12 untreated and unadulterated organic waste biomass, ~~tree~~
13 ~~waste,~~ and hydropower that does not involve new
14 construction or significant expansion of hydropower dams;

15 (2) is interconnected at the distribution system level
16 of an electric utility as defined in this Section, a
17 municipal utility as defined in this Section that owns or
18 operates electric distribution facilities, a public
19 utility as defined in Section 3-105 of the Public
20 Utilities Act, or an electric cooperative, as defined in
21 Section 3-119 of the Public Utilities Act;

22 (3) credits the value of electricity generated by the
23 facility to the subscribers of the facility; and

24 (4) is limited in nameplate capacity to less than or
25 equal to 5,000 ~~2,000~~ kilowatts.

26 "Costs incurred in connection with the development and

1 construction of a facility" means:

2 (1) the cost of acquisition of all real property,
3 fixtures, and improvements in connection therewith and
4 equipment, personal property, and other property, rights,
5 and easements acquired that are deemed necessary for the
6 operation and maintenance of the facility;

7 (2) financing costs with respect to bonds, notes, and
8 other evidences of indebtedness of the Agency;

9 (3) all origination, commitment, utilization,
10 facility, placement, underwriting, syndication, credit
11 enhancement, and rating agency fees;

12 (4) engineering, design, procurement, consulting,
13 legal, accounting, title insurance, survey, appraisal,
14 escrow, trustee, collateral agency, interest rate hedging,
15 interest rate swap, capitalized interest, contingency, as
16 required by lenders, and other financing costs, and other
17 expenses for professional services; and

18 (5) the costs of plans, specifications, site study and
19 investigation, installation, surveys, other Agency costs
20 and estimates of costs, and other expenses necessary or
21 incidental to determining the feasibility of any project,
22 together with such other expenses as may be necessary or
23 incidental to the financing, insuring, acquisition, and
24 construction of a specific project and starting up,
25 commissioning, and placing that project in operation.

26 "Delivery services" has the same definition as found in

1 Section 16-102 of the Public Utilities Act.

2 "Delivery year" means the consecutive 12-month period
3 beginning June 1 of a given year and ending May 31 of the
4 following year.

5 "Department" means the Department of Commerce and Economic
6 Opportunity.

7 "Director" means the Director of the Illinois Power
8 Agency.

9 "Demand-response" means measures that decrease peak
10 electricity demand or shift demand from peak to off-peak
11 periods.

12 "Distributed renewable energy generation device" means a
13 device that is:

14 (1) powered by wind, solar thermal energy,
15 photovoltaic cells or panels, biodiesel, crops and
16 untreated and unadulterated organic waste biomass, tree
17 waste, and hydropower that does not involve new
18 construction or significant expansion of hydropower dams,
19 waste heat to power systems, or qualified combined heat
20 and power systems;

21 (2) interconnected at the distribution system level of
22 either an electric utility as defined in this Section, a
23 municipal utility as defined in this Section that owns or
24 operates electric distribution facilities, or a rural
25 electric cooperative as defined in Section 3-119 of the
26 Public Utilities Act;

1 (3) located on the customer side of the customer's
2 electric meter and is primarily used to offset that
3 customer's electricity load; and

4 (4) (blank). ~~limited in nameplate capacity to less~~
5 ~~than or equal to 2,000 kilowatts.~~

6 "Energy efficiency" means measures that reduce the amount
7 of electricity or natural gas consumed in order to achieve a
8 given end use. "Energy efficiency" includes voltage
9 optimization measures that optimize the voltage at points on
10 the electric distribution voltage system and thereby reduce
11 electricity consumption by electric customers' end use
12 devices. "Energy efficiency" also includes measures that
13 reduce the total Btus of electricity, natural gas, and other
14 fuels needed to meet the end use or uses.

15 "Electric utility" has the same definition as found in
16 Section 16-102 of the Public Utilities Act.

17 "Equitable Energy Future Certification" and "EEFC" are
18 synonymous and mean a certification provided to an applicant
19 by the Illinois Power Agency where an applicant commits that a
20 project will meet one or more of the following criteria: (i)
21 more than 50% of the work on the project have or will be
22 performed by eligible persons; or (ii) more than 50% of the
23 work on the project have or will be done by equity eligible
24 contractors. The Agency will establish Equitable Energy Future
25 Certification standards for entities where certification by
26 individual project is infeasible, which can include

1 certification of a portfolio of projects if an entity can
2 demonstrate consistent EEFC eligibility across that portfolio.

3 "Equity investment eligible community" or "eligible
4 community" are synonymous and mean the geographic areas
5 throughout Illinois which would most benefit from equitable
6 investments by the State designed to combat discrimination.
7 Specifically, the eligible communities shall be defined as the
8 following areas:

9 (1) R3 Areas as established pursuant to Section 10-40
10 of the Cannabis Regulation and Tax Act, where residents
11 have historically been excluded from economic
12 opportunities, including opportunities in the energy
13 sector; and

14 (2) Environmental justice communities, as defined by
15 the Illinois Power Agency pursuant to the Illinois Power
16 Agency Act, where residents have historically been subject
17 to disproportionate burdens of pollution, including
18 pollution from the energy sector.

19 "Equity eligible persons" or "eligible persons" means
20 persons who would most benefit from equitable investments by
21 the State designed to combat discrimination, specifically:

22 (1) persons who graduate from or are current or former
23 participants in the Clean Jobs Workforce Network Program,
24 the Clean Energy Contractor Incubator Program, the
25 Illinois Climate Works Preapprenticeship Program,
26 Returning Residents Clean Jobs Training Program, or the

1 Clean Energy Primes Contractor Accelerator Program, and
2 the solar training pipeline and multi-cultural jobs
3 program created in paragraphs (a)(1) and (a)(3) of Section
4 16-108.21 of the Public Utilities Act;

5 (2) persons who are graduates of or currently enrolled
6 in the foster care system;

7 (3) persons who were formerly incarcerated;

8 (4) persons whose primary residence is in an equity
9 investment eligible community.

10 "Equity eligible contractor" means a business that is
11 majority-owned by eligible persons, or a nonprofit or
12 cooperative that is majority-governed by eligible persons, or
13 is a natural person that is an eligible person offering
14 personal services as an independent contractor.

15 "Facility" means an electric generating unit or a
16 co-generating unit that produces electricity along with
17 related equipment necessary to connect the facility to an
18 electric transmission or distribution system.

19 "General Contractor" means the entity or organization with
20 main responsibility for the building of a construction project
21 and who is the party signing the prime construction contract
22 for the project.

23 "Governmental aggregator" means one or more units of local
24 government that individually or collectively procure
25 electricity to serve residential retail electrical loads
26 located within its or their jurisdiction.

1 "High voltage direct current converter station" means the
2 collection of equipment that converts direct current energy
3 from a high voltage direct current transmission line into
4 alternating current using Voltage Source Conversion technology
5 and that is interconnected with transmission or distribution
6 assets located in Illinois.

7 "High voltage direct current renewable energy credit"
8 means a renewable energy credit associated with a renewable
9 energy resource where the renewable energy resource has
10 entered into a contract to transmit the energy associated with
11 such renewable energy credit over high voltage direct current
12 transmission facilities.

13 "High voltage direct current transmission facilities"
14 means the collection of installed equipment that converts
15 alternating current energy in one location to direct current
16 and transmits that direct current energy to a high voltage
17 direct current converter station using Voltage Source
18 Conversion technology. "High voltage direct current
19 transmission facilities" includes the high voltage direct
20 current converter station itself and associated high voltage
21 direct current transmission lines. Notwithstanding the
22 preceding, an otherwise qualifying collection of equipment
23 does not qualify as high voltage direct current transmission
24 facilities unless its developer entered into a project labor
25 agreement, is capable of transmitting electricity at 525kv
26 with an Illinois converter station located and interconnected

1 in the region of the PJM Interconnection, LLC, and the system
2 does not operate as a public utility, as that term is defined
3 in Section 3-105 of the Public Utilities Act.

4 "Index price" means the real-time energy settlement price
5 at the applicable Illinois trading hub, such as PJM-NIHUB or
6 MISO-IL, for a given settlement period.

7 "Indexed renewable energy credit" means a tradable credit
8 that represents the environmental attributes of one megawatt
9 hour of energy produced from a renewable energy resource, the
10 price of which shall be calculated by subtracting the strike
11 price offered by a new utility-scale wind project or a new
12 utility-scale photovoltaic project from the index price in a
13 given settlement period.

14 "Indexed renewable energy credit counterparty" has the
15 same meaning as "public utility" as defined in Section 3-105
16 of the Public Utilities Act.

17 "Local government" means a unit of local government as
18 defined in Section 1 of Article VII of the Illinois
19 Constitution.

20 "Municipality" means a city, village, or incorporated
21 town.

22 "Municipal utility" means a public utility owned and
23 operated by any subdivision or municipal corporation of this
24 State.

25 "Nameplate capacity" means the aggregate inverter
26 nameplate capacity in kilowatts AC.

1 "Person" means any natural person, firm, partnership,
2 corporation, either domestic or foreign, company, association,
3 limited liability company, joint stock company, or association
4 and includes any trustee, receiver, assignee, or personal
5 representative thereof.

6 "Project" means the planning, bidding, and construction of
7 a facility.

8 "Project labor agreement" means a pre-hire collective
9 bargaining agreement that covers all terms and conditions of
10 employment on a specific construction project and must include
11 the following:

12 (1) provisions establishing the minimum hourly wage
13 for each class of labor organization employee;

14 (2) provisions establishing the benefits and other
15 compensation for each class of labor organization
16 employee;

17 (3) provisions establishing that no strike or disputes
18 will be engaged in by the labor organization employees;

19 (4) provisions establishing that no lockout or
20 disputes will be engaged in by the general contractor
21 building the project; and

22 (5) provisions for minorities and women, as defined
23 under the Business Enterprise for Minorities, Women, and
24 Persons with Disabilities Act, setting forth goals for
25 apprenticeship hours to be performed by minorities and
26 women and setting forth goals for total hours to be

1 performed by underrepresented minorities and women.

2 A labor organization and the general contractor building
3 the project shall have the authority to include other terms
4 and conditions as they deem necessary.

5 "Public utility" has the same definition as found in
6 Section 3-105 of the Public Utilities Act.

7 "Qualified combined heat and power systems" means systems
8 that, either simultaneously or sequentially, produce
9 electricity and useful thermal energy from a single fuel
10 source. Such systems are eligible for "renewable energy
11 credits" in an amount equal to its total energy output where a
12 renewable fuel is consumed or in an amount equal to the net
13 reduction in nonrenewable fuel consumed on a total energy
14 output basis.

15 "Real property" means any interest in land together with
16 all structures, fixtures, and improvements thereon, including
17 lands under water and riparian rights, any easements,
18 covenants, licenses, leases, rights-of-way, uses, and other
19 interests, together with any liens, judgments, mortgages, or
20 other claims or security interests related to real property.

21 "Renewable energy credit" means a tradable credit that
22 represents the environmental attributes of one megawatt hour
23 of energy produced from a renewable energy resource.

24 "Renewable energy resources" includes energy and its
25 associated renewable energy credit or renewable energy credits
26 from wind, solar thermal energy, photovoltaic cells and

1 panels, biodiesel, anaerobic digestion, crops and untreated
2 and unadulterated organic waste biomass, ~~tree waste,~~ and
3 hydropower that does not involve new construction or
4 significant expansion of hydropower dams, waste heat to power
5 systems, or qualified combined heat and power systems. For
6 purposes of this Act, landfill gas produced in the State is
7 considered a renewable energy resource. "Renewable energy
8 resources" does not include the incineration or burning of
9 tires, garbage, general household, institutional, and
10 commercial waste, industrial lunchroom or office waste,
11 landscape waste ~~other than tree waste,~~ railroad crossties,
12 utility poles, or construction or demolition debris, other
13 than untreated and unadulterated waste wood. "Renewable energy
14 resources" also includes high voltage direct current renewable
15 energy credits and the associated energy converted to
16 alternating current by a high voltage direct current converter
17 station to the extent that: (1) the generator of such
18 renewable energy resource contracted with a third party to
19 transmit the energy over the high voltage direct current
20 transmission facilities, and (2) the third-party contracting
21 for delivery of renewable energy resources over the high
22 voltage direct current transmission facilities have ownership
23 rights over the unretired associated high voltage direct
24 current renewable energy credit.

25 "Retail customer" has the same definition as found in
26 Section 16-102 of the Public Utilities Act.

1 "Revenue bond" means any bond, note, or other evidence of
2 indebtedness issued by the Authority, the principal and
3 interest of which is payable solely from revenues or income
4 derived from any project or activity of the Agency.

5 "Seller" means the supplier of a renewable energy credit
6 produced from a new utility-scale wind project or a new
7 utility-scale photovoltaic project.

8 "Sequester" means permanent storage of carbon dioxide by
9 injecting it into a saline aquifer, a depleted gas reservoir,
10 or an oil reservoir, directly or through an enhanced oil
11 recovery process that may involve intermediate storage,
12 regardless of whether these activities are conducted by a
13 clean coal facility, a clean coal SNG facility, a clean coal
14 SNG brownfield facility, or a party with which a clean coal
15 facility, clean coal SNG facility, or clean coal SNG
16 brownfield facility has contracted for such purposes.

17 "Service area" has the same definition as found in Section
18 16-102 of the Public Utilities Act.

19 "Settlement period" means the period of time utilized by
20 MISO and PJM and their successor organizations as the basis
21 for settlement calculations in the real-time energy market.

22 "Sourcing agreement" means (i) in the case of an electric
23 utility, an agreement between the owner of a clean coal
24 facility and such electric utility, which agreement shall have
25 terms and conditions meeting the requirements of paragraph (3)
26 of subsection (d) of Section 1-75, (ii) in the case of an

1 alternative retail electric supplier, an agreement between the
2 owner of a clean coal facility and such alternative retail
3 electric supplier, which agreement shall have terms and
4 conditions meeting the requirements of Section 16-115(d) (5) of
5 the Public Utilities Act, and (iii) in case of a gas utility,
6 an agreement between the owner of a clean coal SNG brownfield
7 facility and the gas utility, which agreement shall have the
8 terms and conditions meeting the requirements of subsection
9 (h-1) of Section 9-220 of the Public Utilities Act.

10 "Strike price" means a contract price for energy and
11 renewable energy credits from a new utility-scale wind project
12 or a new utility-scale photovoltaic project.

13 "Subscriber" means a person who (i) takes delivery service
14 from an electric utility, and (ii) has a subscription of no
15 less than 200 watts to a community renewable generation
16 project that is located in the electric utility's service
17 area. No subscriber's subscriptions may total more than 40% of
18 the nameplate capacity of an individual community renewable
19 generation project. Entities that are affiliated by virtue of
20 a common parent shall not represent multiple subscriptions
21 that total more than 40% of the nameplate capacity of an
22 individual community renewable generation project.

23 "Subscription" means an interest in a community renewable
24 generation project expressed in kilowatts, which is sized
25 primarily to offset part or all of the subscriber's
26 electricity usage.

1 "Substitute natural gas" or "SNG" means a gas manufactured
2 by gasification of hydrocarbon feedstock, which is
3 substantially interchangeable in use and distribution with
4 conventional natural gas.

5 "Total resource cost test" or "TRC test" means a standard
6 that is met if, for an investment in energy efficiency or
7 demand-response measures, the benefit-cost ratio is greater
8 than one. The benefit-cost ratio is the ratio of the net
9 present value of the total benefits of the program to the net
10 present value of the total costs as calculated over the
11 lifetime of the measures. A total resource cost test compares
12 the sum of avoided electric utility costs, representing the
13 benefits that accrue to the system and the participant in the
14 delivery of those efficiency measures and including avoided
15 costs associated with reduced use of natural gas or other
16 fuels, avoided costs associated with reduced water
17 consumption, and avoided costs associated with reduced
18 operation and maintenance costs, as well as other quantifiable
19 societal benefits, to the sum of all incremental costs of
20 end-use measures that are implemented due to the program
21 (including both utility and participant contributions), plus
22 costs to administer, deliver, and evaluate each demand-side
23 program, to quantify the net savings obtained by substituting
24 the demand-side program for supply resources. In calculating
25 avoided costs of power and energy that an electric utility
26 would otherwise have had to acquire, reasonable estimates

1 shall be included of financial costs likely to be imposed by
2 future regulations and legislation on emissions of greenhouse
3 gases. In discounting future societal costs and benefits for
4 the purpose of calculating net present values, a societal
5 discount rate based on actual, long-term Treasury bond yields
6 should be used. Notwithstanding anything to the contrary, the
7 TRC test shall not include or take into account a calculation
8 of market price suppression effects or demand reduction
9 induced price effects.

10 "Utility-scale solar project" means an electric generating
11 facility that:

12 (1) generates electricity using photovoltaic cells;
13 and

14 (2) has a nameplate capacity that is greater than
15 5,000 ~~2,000~~ kilowatts.

16 "Utility-scale wind project" means an electric generating
17 facility that:

18 (1) generates electricity using wind; and

19 (2) has a nameplate capacity that is greater than
20 5,000 ~~2,000~~ kilowatts.

21 "Waste Heat to Power Systems" means systems that capture
22 and generate electricity from energy that would otherwise be
23 lost to the atmosphere without the use of additional fuel.

24 "Zero emission credit" means a tradable credit that
25 represents the environmental attributes of one megawatt hour
26 of energy produced from a zero emission facility.

1 "Zero emission facility" means a facility that: (1) is
2 fueled by nuclear power; and (2) is interconnected with PJM
3 Interconnection, LLC or the Midcontinent Independent System
4 Operator, Inc., or their successors.

5 (Source: P.A. 98-90, eff. 7-15-13; 99-906, eff. 6-1-17.)

6 (20 ILCS 3855/1-20)

7 Sec. 1-20. General powers and duties of the Agency.

8 (a) The Agency is authorized to do each of the following:

9 (1) Develop electricity procurement plans to ensure
10 adequate, reliable, affordable, efficient, and
11 environmentally sustainable electric service at the lowest
12 total cost over time, taking into account any benefits of
13 price stability, for electric utilities that on December
14 31, 2005 provided electric service to at least 100,000
15 customers in Illinois and for small multi-jurisdictional
16 electric utilities that (A) on December 31, 2005 served
17 less than 100,000 customers in Illinois and (B) request a
18 procurement plan for their Illinois jurisdictional load.
19 Except as provided in paragraph (1.5) of this subsection
20 (a), the electricity procurement plans shall be updated on
21 an annual basis and shall include electricity generated
22 from renewable resources sufficient to achieve the
23 standards specified in this Act. Beginning with the
24 delivery year commencing June 1, 2017, develop procurement
25 plans to include zero emission credits generated from zero

1 emission facilities sufficient to achieve the standards
2 specified in this Act. Beginning with the delivery year
3 commencing on June 1, 2022, the Agency is authorized to
4 develop carbon mitigation credit procurement plans to
5 include carbon mitigation credits generated from
6 carbon-free energy resources sufficient to achieve the
7 standards specified in this Act.

8 (1.5) Develop a long-term renewable resources
9 procurement plan in accordance with subsection (c) of
10 Section 1-75 of this Act for renewable energy credits in
11 amounts sufficient to achieve the standards specified in
12 this Act for delivery years commencing June 1, 2017 and
13 for the programs and renewable energy credits specified in
14 Section 1-56 of this Act. Electricity procurement plans
15 for delivery years commencing after May 31, 2017, shall
16 not include procurement of renewable energy resources.

17 (2) Conduct competitive procurement processes to
18 procure the supply resources identified in the electricity
19 procurement plan, pursuant to Section 16-111.5 of the
20 Public Utilities Act, and, for the delivery year
21 commencing June 1, 2017, conduct procurement processes to
22 procure zero emission credits from zero emission
23 facilities, under subsection (d-5) of Section 1-75 of this
24 Act. For the delivery year commencing June 1, 2022, the
25 Agency is authorized to conduct procurement processes to
26 procure carbon mitigation credits from carbon-free energy

1 resources, under subsection (d-10) of Section 1-75 of this
2 Act.

3 (2.5) Beginning with the procurement for the 2017
4 delivery year, conduct competitive procurement processes
5 and implement programs to procure renewable energy credits
6 identified in the long-term renewable resources
7 procurement plan developed and approved under subsection
8 (c) of Section 1-75 of this Act and Section 16-111.5 of the
9 Public Utilities Act.

10 (2.10) Oversee the procurement by electric utilities
11 that served more than 300,000 customers in this State as
12 of January 1, 2019 of renewable energy credits from new
13 renewable energy facilities to be installed, along with
14 energy storage facilities, at or adjacent to the sites of
15 electric generating facilities that burned coal as their
16 primary fuel source as of January 1, 2016 in accordance
17 with subsection (c-5) of Section 1-75 of this Act.

18 (3) Develop electric generation and co-generation
19 facilities that use indigenous coal or renewable
20 resources, or both, financed with bonds issued by the
21 Illinois Finance Authority.

22 (4) Supply electricity from the Agency's facilities at
23 cost to one or more of the following: municipal electric
24 systems, governmental aggregators, or rural electric
25 cooperatives in Illinois.

26 (b) Except as otherwise limited by this Act, the Agency

1 has all of the powers necessary or convenient to carry out the
2 purposes and provisions of this Act, including without
3 limitation, each of the following:

4 (1) To have a corporate seal, and to alter that seal at
5 pleasure, and to use it by causing it or a facsimile to be
6 affixed or impressed or reproduced in any other manner.

7 (2) To use the services of the Illinois Finance
8 Authority necessary to carry out the Agency's purposes.

9 (3) To negotiate and enter into loan agreements and
10 other agreements with the Illinois Finance Authority.

11 (4) To obtain and employ personnel and hire
12 consultants that are necessary to fulfill the Agency's
13 purposes, and to make expenditures for that purpose within
14 the appropriations for that purpose.

15 (5) To purchase, receive, take by grant, gift, devise,
16 bequest, or otherwise, lease, or otherwise acquire, own,
17 hold, improve, employ, use, and otherwise deal in and
18 with, real or personal property whether tangible or
19 intangible, or any interest therein, within the State.

20 (6) To acquire real or personal property, whether
21 tangible or intangible, including without limitation
22 property rights, interests in property, franchises,
23 obligations, contracts, and debt and equity securities,
24 and to do so by the exercise of the power of eminent domain
25 in accordance with Section 1-21; except that any real
26 property acquired by the exercise of the power of eminent

1 domain must be located within the State.

2 (7) To sell, convey, lease, exchange, transfer,
3 abandon, or otherwise dispose of, or mortgage, pledge, or
4 create a security interest in, any of its assets,
5 properties, or any interest therein, wherever situated.

6 (8) To purchase, take, receive, subscribe for, or
7 otherwise acquire, hold, make a tender offer for, vote,
8 employ, sell, lend, lease, exchange, transfer, or
9 otherwise dispose of, mortgage, pledge, or grant a
10 security interest in, use, and otherwise deal in and with,
11 bonds and other obligations, shares, or other securities
12 (or interests therein) issued by others, whether engaged
13 in a similar or different business or activity.

14 (9) To make and execute agreements, contracts, and
15 other instruments necessary or convenient in the exercise
16 of the powers and functions of the Agency under this Act,
17 including contracts with any person, including personal
18 service contracts, or with any local government, State
19 agency, or other entity; and all State agencies and all
20 local governments are authorized to enter into and do all
21 things necessary to perform any such agreement, contract,
22 or other instrument with the Agency. No such agreement,
23 contract, or other instrument shall exceed 40 years.

24 (10) To lend money, invest and reinvest its funds in
25 accordance with the Public Funds Investment Act, and take
26 and hold real and personal property as security for the

1 payment of funds loaned or invested.

2 (11) To borrow money at such rate or rates of interest
3 as the Agency may determine, issue its notes, bonds, or
4 other obligations to evidence that indebtedness, and
5 secure any of its obligations by mortgage or pledge of its
6 real or personal property, machinery, equipment,
7 structures, fixtures, inventories, revenues, grants, and
8 other funds as provided or any interest therein, wherever
9 situated.

10 (12) To enter into agreements with the Illinois
11 Finance Authority to issue bonds whether or not the income
12 therefrom is exempt from federal taxation.

13 (13) To procure insurance against any loss in
14 connection with its properties or operations in such
15 amount or amounts and from such insurers, including the
16 federal government, as it may deem necessary or desirable,
17 and to pay any premiums therefor.

18 (14) To negotiate and enter into agreements with
19 trustees or receivers appointed by United States
20 bankruptcy courts or federal district courts or in other
21 proceedings involving adjustment of debts and authorize
22 proceedings involving adjustment of debts and authorize
23 legal counsel for the Agency to appear in any such
24 proceedings.

25 (15) To file a petition under Chapter 9 of Title 11 of
26 the United States Bankruptcy Code or take other similar

1 action for the adjustment of its debts.

2 (16) To enter into management agreements for the
3 operation of any of the property or facilities owned by
4 the Agency.

5 (17) To enter into an agreement to transfer and to
6 transfer any land, facilities, fixtures, or equipment of
7 the Agency to one or more municipal electric systems,
8 governmental aggregators, or rural electric agencies or
9 cooperatives, for such consideration and upon such terms
10 as the Agency may determine to be in the best interest of
11 the residents ~~citizens~~ of Illinois.

12 (18) To enter upon any lands and within any building
13 whenever in its judgment it may be necessary for the
14 purpose of making surveys and examinations to accomplish
15 any purpose authorized by this Act.

16 (19) To maintain an office or offices at such place or
17 places in the State as it may determine.

18 (20) To request information, and to make any inquiry,
19 investigation, survey, or study that the Agency may deem
20 necessary to enable it effectively to carry out the
21 provisions of this Act.

22 (21) To accept and expend appropriations.

23 (22) To engage in any activity or operation that is
24 incidental to and in furtherance of efficient operation to
25 accomplish the Agency's purposes, including hiring
26 employees that the Director deems essential for the

1 operations of the Agency.

2 (23) To adopt, revise, amend, and repeal rules with
3 respect to its operations, properties, and facilities as
4 may be necessary or convenient to carry out the purposes
5 of this Act, subject to the provisions of the Illinois
6 Administrative Procedure Act and Sections 1-22 and 1-35 of
7 this Act.

8 (24) To establish and collect charges and fees as
9 described in this Act.

10 (25) To conduct competitive gasification feedstock
11 procurement processes to procure the feedstocks for the
12 clean coal SNG brownfield facility in accordance with the
13 requirements of Section 1-78 of this Act.

14 (26) To review, revise, and approve sourcing
15 agreements and mediate and resolve disputes between gas
16 utilities and the clean coal SNG brownfield facility
17 pursuant to subsection (h-1) of Section 9-220 of the
18 Public Utilities Act.

19 (27) To request, review and accept proposals, execute
20 contracts, purchase renewable energy credits and otherwise
21 dedicate funds from the Illinois Power Agency Renewable
22 Energy Resources Fund to create and carry out the
23 objectives of the Illinois Solar for All Program ~~program~~
24 in accordance with Section 1-56 of this Act.

25 (28) To ensure Illinois residents and business benefit
26 from programs administered by the Agency and are properly

1 protected from any deceptive or misleading marketing
2 practices by participants in the Agency's programs and
3 procurements.

4 (c) In conducting the procurement of electricity or other
5 products, the Agency shall not procure any products or
6 services from persons or organizations that are in violation
7 of the Displaced Energy Workers Bill of Rights, as provided
8 under the Energy Community Reinvestment Act at the time of the
9 procurement event or fail to comply the labor standards
10 established in subparagraph (Q) of paragraph (1) of subsection
11 (c) of Section 1-75.

12 (Source: P.A. 99-906, eff. 6-1-17.)

13 (20 ILCS 3855/1-35)

14 Sec. 1-35. Agency rules. The Agency shall adopt rules as
15 may be necessary and appropriate for the operation of the
16 Agency. In addition to other rules relevant to the operation
17 of the Agency, the Agency shall adopt rules that accomplish
18 each of the following:

19 (1) Establish procedures for monitoring the
20 administration of any contract administered directly or
21 indirectly by the Agency; except that the procedures shall
22 not extend to executed contracts between electric
23 utilities and their suppliers.

24 (2) If deemed necessary by the Agency, establish
25 ~~Establish~~ procedures for the recovery of costs incurred in

1 connection with the development and construction of a
2 facility should the Agency cancel a project, provided that
3 no such costs shall be passed on to public utilities or
4 their customers or paid from the Illinois Power Agency
5 Operations Fund.

6 (3) Implement accounting rules and a system of
7 accounts, in accordance with State law, permitting all
8 reporting (i) required by the State, (ii) required under
9 this Act, (iii) required by the Authority, or (iv)
10 required under the Public Utilities Act.

11 The Agency shall not adopt any rules that infringe upon
12 the authority granted to the Commission.

13 (Source: P.A. 95-481, eff. 8-28-07.)

14 (20 ILCS 3855/1-56)

15 Sec. 1-56. Illinois Power Agency Renewable Energy
16 Resources Fund; Illinois Solar for All Program.

17 (a) The Illinois Power Agency Renewable Energy Resources
18 Fund is created as a special fund in the State treasury.

19 (b) The Illinois Power Agency Renewable Energy Resources
20 Fund shall be administered by the Agency as described in this
21 subsection (b), provided that the changes to this subsection
22 (b) made by this amendatory Act of the 99th General Assembly
23 shall not interfere with existing contracts under this
24 Section.

25 (1) The Illinois Power Agency Renewable Energy

1 Resources Fund shall be used to purchase renewable energy
2 credits according to any approved procurement plan
3 developed by the Agency prior to June 1, 2017.

4 (2) The Illinois Power Agency Renewable Energy
5 Resources Fund shall also be used to create the Illinois
6 Solar for All Program, which provides ~~shall include~~
7 incentives for low-income distributed generation and
8 community solar projects, and other associated approved
9 expenditures. The objectives of the Illinois Solar for All
10 Program are to bring photovoltaics to low-income
11 communities in this State in a manner that maximizes the
12 development of new photovoltaic generating facilities, to
13 create a long-term, low-income solar marketplace
14 throughout this State, to integrate, through interaction
15 with stakeholders, with existing energy efficiency
16 initiatives, and to minimize administrative costs. The
17 Illinois Solar for All Program shall be implemented in a
18 manner that seeks to minimize administrative costs, and
19 maximize efficiencies and synergies available through
20 coordination with similar initiatives, including the
21 Adjustable Block program described in subparagraphs (K)
22 through (M) of paragraph (1) of subsection (c) of Section
23 1-75, energy efficiency programs, job training programs,
24 and community action agencies. The Agency shall strive to
25 ensure that renewable energy credits procured through the
26 Illinois Solar for All Program and each of its subprograms

1 are purchased from projects across the breadth of
2 low-income and environmental justice communities in
3 Illinois, including both urban and rural communities, are
4 not concentrated in a few communities, and do not exclude
5 particular low-income or environmental justice
6 communities. The Agency shall include a description of its
7 proposed approach to the design, administration,
8 implementation and evaluation of the Illinois Solar for
9 All Program, as part of the long-term renewable resources
10 procurement plan authorized by subsection (c) of Section
11 1-75 of this Act, and the program shall be designed to grow
12 the low-income solar market. The Agency or utility, as
13 applicable, shall purchase renewable energy credits from
14 the (i) photovoltaic distributed renewable energy
15 generation projects and (ii) community solar projects that
16 are procured under procurement processes authorized by the
17 long-term renewable resources procurement plans approved
18 by the Commission.

19 The Illinois Solar for All Program shall include the
20 program offerings described in subparagraphs (A) through
21 (E) ~~(D)~~ of this paragraph (2), which the Agency shall
22 implement through contracts with third-party providers
23 and, subject to appropriation, pay the approximate amounts
24 identified using monies available in the Illinois Power
25 Agency Renewable Energy Resources Fund. Each contract that
26 provides for the installation of solar facilities shall

1 provide that the solar facilities will produce energy and
2 economic benefits, at a level determined by the Agency to
3 be reasonable, for the participating low income customers.
4 The monies available in the Illinois Power Agency
5 Renewable Energy Resources Fund and not otherwise
6 committed to contracts executed under subsection (i) of
7 this Section, as well as, in the case of the programs
8 described under subparagraphs (A) through (E) of this
9 paragraph (2), funding authorized pursuant to subparagraph
10 (O) of paragraph (1) of subsection (c) of Section 1-75 of
11 this Act, shall initially be allocated among the programs
12 described in this paragraph (2), as follows: 35% ~~22.5%~~ of
13 these funds shall be allocated to programs described in
14 subparagraphs subparagraph (A) and (E) of this paragraph
15 (2), 40% ~~37.5%~~ of these funds shall be allocated to
16 programs described in subparagraph (B) of this paragraph
17 (2), and 25% ~~15%~~ of these funds shall be allocated to
18 programs described in subparagraph (C) of this paragraph
19 (2), ~~and 25% of these funds, but in no event more than~~
20 ~~\$50,000,000, shall be allocated to programs described in~~
21 ~~subparagraph (D) of this paragraph (2).~~ The allocation of
22 funds among subparagraphs (A), (B), ~~or~~ (C), and (E) of
23 this paragraph (2) may be changed if the Agency, after
24 receiving input through a stakeholder process, ~~or~~
25 ~~administrator, through delegated authority,~~ determines
26 incentives in subparagraphs (A), (B), ~~or~~ (C), or (E) of

1 this paragraph (2) have not been adequately subscribed to
2 fully utilize available Illinois Solar for All Program
3 funds ~~the Illinois Power Agency Renewable Energy Resources~~
4 ~~Fund. The determination shall include input through a~~
5 ~~stakeholder process. The program offerings described in~~
6 ~~subparagraphs (A) through (D) of this paragraph (2) shall~~
7 ~~also be implemented through contracts funded from such~~
8 ~~additional amounts as are allocated to one or more of the~~
9 ~~programs in the long term renewable resources procurement~~
10 ~~plans as specified in subsection (c) of Section 1-75 of~~
11 ~~this Act and subparagraph (O) of paragraph (1) of such~~
12 ~~subsection (c).~~

13 Contracts that will be paid with funds in the Illinois
14 Power Agency Renewable Energy Resources Fund shall be
15 executed by the Agency. Contracts that will be paid with
16 funds collected by an electric utility shall be executed
17 by the electric utility.

18 Contracts under the Illinois Solar for All Program
19 shall include an approach, as set forth in the long-term
20 renewable resources procurement plans, to ensure the
21 wholesale market value of the energy is credited to
22 participating low-income customers or organizations and to
23 ensure tangible economic benefits flow directly to program
24 participants, except in the case of low-income
25 multi-family housing where the low-income customer does
26 not directly pay for energy. Priority shall be given to

1 projects that demonstrate meaningful involvement of
2 low-income community members in designing the initial
3 proposals. Acceptable proposals to implement projects must
4 demonstrate the applicant's ability to conduct initial
5 community outreach, education, and recruitment of
6 low-income participants in the community. Projects must
7 include job training opportunities if available, with the
8 specific level of trainee usage to be determined through
9 the Agency's long-term renewable resources procurement
10 plan, and the Illinois Solar for All Program Administrator
11 ~~shall endeavor to~~ coordinate with the job training
12 programs described in paragraph (1) of subsection (a) of
13 Section 16-108.12 of the Public Utilities Act and in the
14 Energy Transition Act.

15 The Agency shall make every effort to ensure that
16 small and emerging businesses, particularly those located
17 in low-income and environmental justice communities, are
18 able to participate in the Illinois Solar for All Program.
19 These efforts may include, but shall not be limited to,
20 proactive support from the program administrator,
21 different or preferred access to subprograms and
22 administrator-identified customers or grassroots
23 education provider-identified customers, and different
24 incentive levels. The Agency shall report on progress and
25 barriers to participation of small and emerging businesses
26 in the Illinois Solar for All Program at least once a year.

1 The report shall be made available on the Agency's website
2 and, in years when the Agency is updating its long-term
3 renewable resources procurement plan, included in that
4 Plan.

5 (A) Low-income single-family and small multifamily
6 solar distributed generation incentive. This program
7 will provide incentives to low-income customers,
8 either directly or through solar providers, to
9 increase the participation of low-income households in
10 photovoltaic on-site distributed generation at
11 residential buildings containing one to 4 units.

12 Companies participating in this program that install
13 solar panels shall commit to hiring job trainees for a
14 portion of their low-income installations, and an
15 administrator shall facilitate partnering the
16 companies that install solar panels with entities that
17 provide solar panel installation job training. It is a
18 goal of this program that a minimum of 25% of the
19 incentives for this program be allocated to projects
20 located within environmental justice communities.
21 Contracts entered into under this paragraph may be
22 entered into with an entity that will develop and
23 administer the program and shall also include
24 contracts for renewable energy credits from the
25 photovoltaic distributed generation that is the
26 subject of the program, as set forth in the long-term

1 renewable resources procurement plan. Additionally:

2 (i) The Agency shall reserve a portion of this
3 program for projects that promote energy
4 sovereignty through ownership of projects by
5 low-income households, not-for-profit
6 organizations providing services to low-income
7 households, affordable housing owners, community
8 cooperatives, or community-based limited liability
9 companies providing services to low-income
10 households. Projects that feature energy ownership
11 should ensure that local people have control of
12 the project and reap benefits from the project
13 over and above energy bill savings. The Agency may
14 consider the inclusion of projects that promote
15 ownership over time or that involve partial
16 project ownership by communities, as promoting
17 energy sovereignty. Incentives for projects that
18 promote energy sovereignty may be higher than
19 incentives for equivalent projects that do not
20 promote energy sovereignty under this same
21 program.

22 (ii) Through its long-term renewable resources
23 procurement plan, the Agency shall consider
24 additional program and contract requirements to
25 ensure faithful compliance by applicants
26 benefiting from preferences for projects

1 designated to promote energy sovereignty. The
2 Agency shall make every effort to enable solar
3 providers already participating in the Adjustable
4 Block-Program under subparagraph (K) of paragraph
5 (1) of subsection (c) of Section 1-75 of this Act,
6 and particularly solar providers developing
7 projects under item (i) of subparagraph (K) of
8 paragraph (1) of subsection (c) of Section 1-75 of
9 this Act to easily participate in the Low-Income
10 Distributed Generation Incentive program described
11 under this subparagraph (A), and vice versa. This
12 effort may include, but shall not be limited to,
13 utilizing similar or the same application systems
14 and processes, similar or the same forms and
15 formats of communication, and providing active
16 outreach to companies participating in one program
17 but not the other. The Agency shall report on
18 efforts made to encourage this cross-participation
19 in its long-term renewable resources procurement
20 plan.

21 (B) Low-Income Community Solar Project Initiative.
22 Incentives shall be offered to low-income customers,
23 either directly or through developers, to increase the
24 participation of low-income subscribers of community
25 solar projects. The developer of each project shall
26 identify its partnership with community stakeholders

1 regarding the location, development, and participation
2 in the project, provided that nothing shall preclude a
3 project from including an anchor tenant that does not
4 qualify as low-income. Companies participating in this
5 program that develop or install solar projects shall
6 commit to hiring job trainees for a portion of their
7 low-income installations, and an administrator shall
8 facilitate partnering the companies that install solar
9 projects with entities that provide solar installation
10 and related job training. ~~Incentives should also be~~
11 ~~offered to community solar projects that are 100%~~
12 ~~low-income subscriber owned, which includes low-income~~
13 ~~households, not-for-profit organizations, and~~
14 ~~affordable housing owners.~~ It is a goal of this
15 program that a minimum of 25% of the incentives for
16 this program be allocated to community photovoltaic
17 projects in environmental justice communities. The
18 Agency shall reserve a portion of this program for
19 projects that promote energy sovereignty through
20 ownership of projects by low-income households,
21 not-for-profit organizations providing services to
22 low-income households, affordable housing owners, or
23 community-based limited liability companies providing
24 services to low-income households. Projects that
25 feature energy ownership should ensure that local
26 people have control of the project and reap benefits

1 from the project over and above energy bill savings.
2 The Agency may consider the inclusion of projects that
3 promote ownership over time or that involve partial
4 project ownership by communities, as promoting energy
5 sovereignty. Incentives for projects that promote
6 energy sovereignty may be higher than incentives for
7 equivalent projects that do not promote energy
8 sovereignty under this same program. Contracts entered
9 into under this paragraph may be entered into with
10 developers and shall also include contracts for
11 renewable energy credits related to the program.

12 (C) Incentives for non-profits and public
13 facilities. Under this program funds shall be used to
14 support on-site photovoltaic distributed renewable
15 energy generation devices to serve the load associated
16 with not-for-profit customers and to support
17 photovoltaic distributed renewable energy generation
18 that uses photovoltaic technology to serve the load
19 associated with public sector customers taking service
20 at public buildings. Companies participating in this
21 program that develop or install solar projects shall
22 commit to hiring job trainees for a portion of their
23 low-income installations, and an administrator shall
24 facilitate partnering the companies that install solar
25 projects with entities that provide solar installation
26 and related job training. Through its long-term

1 renewable resources procurement plan, the Agency shall
2 consider additional program and contract requirements
3 to ensure faithful compliance by applicants benefiting
4 from preferences for projects designated to promote
5 energy sovereignty. It is a goal of this program that
6 at least 25% of the incentives for this program be
7 allocated to projects located in environmental justice
8 communities. Contracts entered into under this
9 paragraph may be entered into with an entity that will
10 develop and administer the program or with developers
11 and shall also include contracts for renewable energy
12 credits related to the program.

13 (D) (Blank). ~~Low Income Community Solar Pilot~~
14 ~~Projects. Under this program, persons, including, but~~
15 ~~not limited to, electric utilities, shall propose~~
16 ~~pilot community solar projects. Community solar~~
17 ~~projects proposed under this subparagraph (D) may~~
18 ~~exceed 2,000 kilowatts in nameplate capacity, but the~~
19 ~~amount paid per project under this program may not~~
20 ~~exceed \$20,000,000. Pilot projects must result in~~
21 ~~economic benefits for the members of the community in~~
22 ~~which the project will be located. The proposed pilot~~
23 ~~project must include a partnership with at least one~~
24 ~~community based organization. Approved pilot projects~~
25 ~~shall be competitively bid by the Agency, subject to~~
26 ~~fair and equitable guidelines developed by the Agency.~~

1 ~~Funding available under this subparagraph (D) may not~~
2 ~~be distributed solely to a utility, and at least some~~
3 ~~funds under this subparagraph (D) must include a~~
4 ~~project partnership that includes community ownership~~
5 ~~by the project subscribers. Contracts entered into~~
6 ~~under this paragraph may be entered into with an~~
7 ~~entity that will develop and administer the program or~~
8 ~~with developers and shall also include contracts for~~
9 ~~renewable energy credits related to the program. A~~
10 ~~project proposed by a utility that is implemented~~
11 ~~under this subparagraph (D) shall not be included in~~
12 ~~the utility's ratebase.~~

13 (E) Low-income large multifamily solar incentive.

14 This program shall provide incentives to low-income
15 customers, either directly or through solar providers,
16 to increase the participation of low-income households
17 in photovoltaic on-site distributed generation at
18 residential buildings with 5 or more units. Companies
19 participating in this program that develop or install
20 solar projects shall commit to hiring job trainees for
21 a portion of their low-income installations, and an
22 administrator shall facilitate partnering the
23 companies that install solar projects with entities
24 that provide solar installation and related job
25 training. It is a goal of this program that a minimum
26 of 25% of the incentives for this program be allocated

1 to projects located within environmental justice
2 communities. The Agency shall reserve a portion of
3 this program for projects that promote energy
4 sovereignty through ownership of projects by
5 low-income households, not-for-profit organizations
6 providing services to low-income households,
7 affordable housing owners, or community-based limited
8 liability companies providing services to low-income
9 households. Projects that feature energy ownership
10 should ensure that local people have control of the
11 project and reap benefits from the project over and
12 above energy bill savings. The Agency may consider the
13 inclusion of projects that promote ownership over time
14 or that involve partial project ownership by
15 communities, as promoting energy sovereignty.
16 Incentives for projects that promote energy
17 sovereignty may be higher than incentives for
18 equivalent projects that do not promote energy
19 sovereignty under this same program.

20 The requirement that a qualified person, as defined in
21 paragraph (1) of subsection (i) of this Section, install
22 photovoltaic devices does not apply to the Illinois Solar
23 for All Program described in this subsection (b).

24 In addition to the programs outlined in paragraphs (A)
25 through (E), the Agency and other parties may propose
26 additional programs through the Long-Term Renewable

1 Resources Procurement Plan developed and approved under
2 paragraph (5) of subsection (b) of Section 16-111.5 of the
3 Public Utilities Act. Additional programs may target
4 market segments not specified above and may also include
5 incentives targeted to increase the uptake of
6 nonphotovoltaic technologies by low-income customers,
7 including energy storage paired with photovoltaics, if the
8 Commission determines that the Illinois Solar for All
9 Program would provide greater benefits to the public
10 health and well-being of low-income residents through also
11 supporting that additional program versus supporting
12 programs already authorized.

13 (3) Costs associated with the Illinois Solar for All
14 Program and its components described in paragraph (2) of
15 this subsection (b), including, but not limited to, costs
16 associated with procuring experts, consultants, and the
17 program administrator referenced in this subsection (b)
18 and related incremental costs, costs related to income
19 verification and facilitating customer participation in
20 the program, and costs related to the evaluation of the
21 Illinois Solar for All Program, may be paid for using
22 monies in the Illinois Power Agency Renewable Energy
23 Resources Fund, and funds allocated pursuant to
24 subparagraph (O) of paragraph (1) of subsection (c) of
25 Section 1-75, but the Agency or program administrator
26 shall strive to minimize costs in the implementation of

1 the program. The Agency or contracting electric utility
2 shall purchase renewable energy credits from generation
3 that is the subject of a contract under subparagraphs (A)
4 through (E) ~~(D)~~ of ~~this~~ paragraph (2) of this subsection
5 (b), and may pay for such renewable energy credits through
6 an upfront payment per installed kilowatt of nameplate
7 capacity paid once the device is interconnected at the
8 distribution system level of the interconnecting utility
9 and verified as is energized. Payments for renewable
10 energy credits ~~The payment~~ shall be in exchange for ~~an~~
11 ~~assignment of~~ all renewable energy credits generated by
12 the system during the first 15 years of operation and
13 shall be structured to overcome barriers to participation
14 in the solar market by the low-income community. The
15 incentives provided for in this Section may be implemented
16 through the pricing of renewable energy credits where the
17 prices paid for the credits are higher than the prices
18 from programs offered under subsection (c) of Section 1-75
19 of this Act to account for the additional capital
20 necessary to successfully access targeted market segments
21 ~~incentives. The Agency shall ensure collaboration with~~
22 ~~community agencies, and allocate up to 5% of the funds~~
23 ~~available under the Illinois Solar for All Program to~~
24 ~~community based groups to assist in grassroots education~~
25 ~~efforts related to the Illinois Solar for All Program.~~ The
26 Agency or contracting electric utility shall retire any

1 renewable energy credits purchased under ~~from~~ this program
2 and the credits shall count towards the obligation under
3 subsection (c) of Section 1-75 of this Act for the
4 electric utility to which the project is interconnected,
5 if applicable.

6 The Agency shall direct that up to 5% of the funds
7 available under the Illinois Solar for All Program to
8 community-based groups and other qualifying organizations
9 to assist in community-driven education efforts related to
10 the Illinois Solar for All Program, including general
11 energy education, job training program outreach efforts,
12 and other activities deemed to be qualified by the Agency.
13 Grassroots education funding shall not be used to support
14 the marketing by solar project development firms and
15 organizations, unless such education provides equal
16 opportunities for all applicable firms and organizations.

17 (4) The Agency shall, consistent with the requirements
18 of this subsection (b), propose the Illinois Solar for All
19 Program terms, conditions, and requirements, including the
20 prices to be paid for renewable energy credits, and which
21 prices may be determined through a formula, through the
22 development, review, and approval of the Agency's
23 long-term renewable resources procurement plan described
24 in subsection (c) of Section 1-75 of this Act and Section
25 16-111.5 of the Public Utilities Act. In the course of the
26 Commission proceeding initiated to review and approve the

1 plan, including the Illinois Solar for All Program
2 proposed by the Agency, a party may propose an additional
3 low-income solar or solar incentive program, or
4 modifications to the programs proposed by the Agency, and
5 the Commission may approve an additional program, or
6 modifications to the Agency's proposed program, if the
7 additional or modified program more effectively maximizes
8 the benefits to low-income customers after taking into
9 account all relevant factors, including, but not limited
10 to, the extent to which a competitive market for
11 low-income solar has developed. Following the Commission's
12 approval of the Illinois Solar for All Program, the Agency
13 or a party may propose adjustments to the program terms,
14 conditions, and requirements, including the price offered
15 to new systems, to ensure the long-term viability and
16 success of the program. The Commission shall review and
17 approve any modifications to the program through the plan
18 revision process described in Section 16-111.5 of the
19 Public Utilities Act.

20 (5) The Agency shall issue a request for
21 qualifications for a third-party program administrator or
22 administrators to administer all or a portion of the
23 Illinois Solar for All Program. The third-party program
24 administrator shall be chosen through a competitive bid
25 process based on selection criteria and requirements
26 developed by the Agency, including, but not limited to,

1 experience in administering low-income energy programs and
2 overseeing statewide clean energy or energy efficiency
3 services. If the Agency retains a program administrator or
4 administrators to implement all or a portion of the
5 Illinois Solar for All Program, each administrator shall
6 periodically submit reports to the Agency and Commission
7 for each program that it administers, at appropriate
8 intervals to be identified by the Agency in its long-term
9 renewable resources procurement plan, provided that the
10 reporting interval is at least quarterly. The third-party
11 program administrator may be, but need not be, the same
12 administrator as for the Adjustable Block program
13 described in subparagraphs (K) through (M) of paragraph
14 (1) of subsection (c) of Section 1-75. The Agency, through
15 its long-term renewable resources procurement plan
16 approval process, shall also determine if individual
17 subprograms of the Illinois Solar for All Program are
18 better served by a different or separate Program
19 Administrator.

20 The third-party administrator's responsibilities
21 shall also include facilitating placement for graduates of
22 Illinois-based renewable energy-specific job training
23 programs, including the Clean Jobs Workforce Network
24 Program and the Illinois Climate Works Preapprenticeship
25 Program administered by the Department of Commerce and
26 Economic Opportunity and programs administered under

1 Section 16-108.12 of the Public Utilities Act. To increase
2 the uptake of trainees by participating firms, the
3 administrator shall also develop a web-based clearinghouse
4 for information available to both job training program
5 graduates and firms participating, directly or indirectly,
6 in Illinois solar incentive programs. The program
7 administrator shall also coordinate its activities with
8 entities implementing electric and natural gas
9 income-qualified energy efficiency programs, including
10 customer referrals to and from such programs, and connect
11 prospective low-income solar customers with any existing
12 deferred maintenance programs where applicable.

13 (6) The long-term renewable resources procurement plan
14 shall also provide for an independent evaluation of the
15 Illinois Solar for All Program. At least every 2 years,
16 the Agency shall select an independent evaluator to review
17 and report on the Illinois Solar for All Program and the
18 performance of the third-party program administrator of
19 the Illinois Solar for All Program. The evaluation shall
20 be based on objective criteria developed through a public
21 stakeholder process. The process shall include feedback
22 and participation from Illinois Solar for All Program
23 stakeholders, including participants and organizations in
24 environmental justice and historically underserved
25 communities. The report shall include a summary of the
26 evaluation of the Illinois Solar for All Program based on

1 the stakeholder developed objective criteria. The report
2 shall include the number of projects installed; the total
3 installed capacity in kilowatts; the average cost per
4 kilowatt of installed capacity to the extent reasonably
5 obtainable by the Agency; the number of jobs or job
6 opportunities created; economic, social, and environmental
7 benefits created; and the total administrative costs
8 expended by the Agency and program administrator to
9 implement and evaluate the program. The report shall be
10 delivered to the Commission and posted on the Agency's
11 website, and shall be used, as needed, to revise the
12 Illinois Solar for All Program. The Commission shall also
13 consider the results of the evaluation as part of its
14 review of the long-term renewable resources procurement
15 plan under subsection (c) of Section 1-75 of this Act.

16 (7) If additional funding for the programs described
17 in this subsection (b) is available under subsection (k)
18 of Section 16-108 of the Public Utilities Act, then the
19 Agency shall submit a procurement plan to the Commission
20 no later than September 1, 2018, that proposes how the
21 Agency will procure programs on behalf of the applicable
22 utility. After notice and hearing, the Commission shall
23 approve, or approve with modification, the plan no later
24 than November 1, 2018.

25 (8) As part of the development and update of the
26 long-term renewable resources procurement plan authorized

1 by subsection (c) of Section 1-75 of this Act, the Agency
2 shall plan for: (A) actions to refer customers from the
3 Illinois Solar for All Program to electric and natural gas
4 income-qualified energy efficiency programs, and vice
5 versa, with the goal of increasing participation in both
6 of these programs; (B) effective procedures for data
7 sharing, as needed, to effectuate referrals between the
8 Illinois Solar for All Program and both electric and
9 natural gas income-qualified energy efficiency programs,
10 including sharing customer information directly with the
11 utilities, as needed and appropriate; and (C) efforts to
12 identify any existing deferred maintenance programs for
13 which prospective Solar for All Program customers may be
14 eligible and connect prospective customers for whom
15 deferred maintenance is or may be a barrier to solar
16 installation to those programs.

17 As used in this subsection (b), "low-income households"
18 means persons and families whose income does not exceed 80% of
19 area median income, adjusted for family size and revised every
20 5 years.

21 For the purposes of this subsection (b), the Agency shall
22 define "environmental justice community" based on the
23 methodologies and findings established by the Agency and the
24 Administrator for the Illinois Solar for All Program in its
25 initial long-term renewable resources procurement plan and as
26 updated by the Agency and the Administrator for the Illinois

1 Solar for All Program as part of the long-term renewable
2 resources procurement plan update ~~development, to ensure, to~~
3 ~~the extent practicable, compatibility with other agencies'~~
4 ~~definitions and may, for guidance, look to the definitions~~
5 ~~used by federal, state, or local governments.~~

6 (b-5) After the receipt of all payments required by
7 Section 16-115D of the Public Utilities Act, no additional
8 funds shall be deposited into the Illinois Power Agency
9 Renewable Energy Resources Fund unless directed by order of
10 the Commission.

11 (b-10) After the receipt of all payments required by
12 Section 16-115D of the Public Utilities Act and payment in
13 full of all contracts executed by the Agency under subsections
14 (b) and (i) of this Section, if the balance of the Illinois
15 Power Agency Renewable Energy Resources Fund is under \$5,000,
16 then the Fund shall be inoperative and any remaining funds and
17 any funds submitted to the Fund after that date, shall be
18 transferred to the Supplemental Low-Income Energy Assistance
19 Fund for use in the Low-Income Home Energy Assistance Program,
20 as authorized by the Energy Assistance Act.

21 (c) (Blank).

22 (d) (Blank).

23 (e) All renewable energy credits procured using monies
24 from the Illinois Power Agency Renewable Energy Resources Fund
25 shall be permanently retired.

26 (f) The selection of one or more third-party program

1 managers or administrators, the selection of the independent
2 evaluator, and the procurement processes described in this
3 Section are exempt from the requirements of the Illinois
4 Procurement Code, under Section 20-10 of that Code.

5 (g) All disbursements from the Illinois Power Agency
6 Renewable Energy Resources Fund shall be made only upon
7 warrants of the Comptroller drawn upon the Treasurer as
8 custodian of the Fund upon vouchers signed by the Director or
9 by the person or persons designated by the Director for that
10 purpose. The Comptroller is authorized to draw the warrant
11 upon vouchers so signed. The Treasurer shall accept all
12 warrants so signed and shall be released from liability for
13 all payments made on those warrants.

14 (h) The Illinois Power Agency Renewable Energy Resources
15 Fund shall not be subject to sweeps, administrative charges,
16 or chargebacks, including, but not limited to, those
17 authorized under Section 8h of the State Finance Act, that
18 would in any way result in the transfer of any funds from this
19 Fund to any other fund of this State or in having any such
20 funds utilized for any purpose other than the express purposes
21 set forth in this Section.

22 (h-5) The Agency may assess fees to each bidder to recover
23 the costs incurred in connection with a procurement process
24 held under this Section. Fees collected from bidders shall be
25 deposited into the Renewable Energy Resources Fund.

26 (i) Supplemental procurement process.

1 (1) Within 90 days after the effective date of this
2 amendatory Act of the 98th General Assembly, the Agency
3 shall develop a one-time supplemental procurement plan
4 limited to the procurement of renewable energy credits, if
5 available, from new or existing photovoltaics, including,
6 but not limited to, distributed photovoltaic generation.
7 Nothing in this subsection (i) requires procurement of
8 wind generation through the supplemental procurement.

9 Renewable energy credits procured from new
10 photovoltaics, including, but not limited to, distributed
11 photovoltaic generation, under this subsection (i) must be
12 procured from devices installed by a qualified person. In
13 its supplemental procurement plan, the Agency shall
14 establish contractually enforceable mechanisms for
15 ensuring that the installation of new photovoltaics is
16 performed by a qualified person.

17 For the purposes of this paragraph (1), "qualified
18 person" means a person who performs installations of
19 photovoltaics, including, but not limited to, distributed
20 photovoltaic generation, and who: (A) has completed an
21 apprenticeship as a journeyman electrician from a United
22 States Department of Labor registered electrical
23 apprenticeship and training program and received a
24 certification of satisfactory completion; or (B) does not
25 currently meet the criteria under clause (A) of this
26 paragraph (1), but is enrolled in a United States

1 Department of Labor registered electrical apprenticeship
2 program, provided that the person is directly supervised
3 by a person who meets the criteria under clause (A) of this
4 paragraph (1); or (C) has obtained one of the following
5 credentials in addition to attesting to satisfactory
6 completion of at least 5 years or 8,000 hours of
7 documented hands-on electrical experience: (i) a North
8 American Board of Certified Energy Practitioners (NABCEP)
9 Installer Certificate for Solar PV; (ii) an Underwriters
10 Laboratories (UL) PV Systems Installer Certificate; (iii)
11 an Electronics Technicians Association, International
12 (ETAI) Level 3 PV Installer Certificate; or (iv) an
13 Associate in Applied Science degree from an Illinois
14 Community College Board approved community college program
15 in renewable energy or a distributed generation
16 technology.

17 For the purposes of this paragraph (1), "directly
18 supervised" means that there is a qualified person who
19 meets the qualifications under clause (A) of this
20 paragraph (1) and who is available for supervision and
21 consultation regarding the work performed by persons under
22 clause (B) of this paragraph (1), including a final
23 inspection of the installation work that has been directly
24 supervised to ensure safety and conformity with applicable
25 codes.

26 For the purposes of this paragraph (1), "install"

1 means the major activities and actions required to
2 connect, in accordance with applicable building and
3 electrical codes, the conductors, connectors, and all
4 associated fittings, devices, power outlets, or
5 apparatuses mounted at the premises that are directly
6 involved in delivering energy to the premises' electrical
7 wiring from the photovoltaics, including, but not limited
8 to, to distributed photovoltaic generation.

9 The renewable energy credits procured pursuant to the
10 supplemental procurement plan shall be procured using up
11 to \$30,000,000 from the Illinois Power Agency Renewable
12 Energy Resources Fund. The Agency shall not plan to use
13 funds from the Illinois Power Agency Renewable Energy
14 Resources Fund in excess of the monies on deposit in such
15 fund or projected to be deposited into such fund. The
16 supplemental procurement plan shall ensure adequate,
17 reliable, affordable, efficient, and environmentally
18 sustainable renewable energy resources (including credits)
19 at the lowest total cost over time, taking into account
20 any benefits of price stability.

21 To the extent available, 50% of the renewable energy
22 credits procured from distributed renewable energy
23 generation shall come from devices of less than 25
24 kilowatts in nameplate capacity. Procurement of renewable
25 energy credits from distributed renewable energy
26 generation devices shall be done through multi-year

1 contracts of no less than 5 years. The Agency shall create
2 credit requirements for counterparties. In order to
3 minimize the administrative burden on contracting
4 entities, the Agency shall solicit the use of third
5 parties to aggregate distributed renewable energy. These
6 third parties shall enter into and administer contracts
7 with individual distributed renewable energy generation
8 device owners. An individual distributed renewable energy
9 generation device owner shall have the ability to measure
10 the output of his or her distributed renewable energy
11 generation device.

12 In developing the supplemental procurement plan, the
13 Agency shall hold at least one workshop open to the public
14 within 90 days after the effective date of this amendatory
15 Act of the 98th General Assembly and shall consider any
16 comments made by stakeholders or the public. Upon
17 development of the supplemental procurement plan within
18 this 90-day period, copies of the supplemental procurement
19 plan shall be posted and made publicly available on the
20 Agency's and Commission's websites. All interested parties
21 shall have 14 days following the date of posting to
22 provide comment to the Agency on the supplemental
23 procurement plan. All comments submitted to the Agency
24 shall be specific, supported by data or other detailed
25 analyses, and, if objecting to all or a portion of the
26 supplemental procurement plan, accompanied by specific

1 alternative wording or proposals. All comments shall be
2 posted on the Agency's and Commission's websites. Within
3 14 days following the end of the 14-day review period, the
4 Agency shall revise the supplemental procurement plan as
5 necessary based on the comments received and file its
6 revised supplemental procurement plan with the Commission
7 for approval.

8 (2) Within 5 days after the filing of the supplemental
9 procurement plan at the Commission, any person objecting
10 to the supplemental procurement plan shall file an
11 objection with the Commission. Within 10 days after the
12 filing, the Commission shall determine whether a hearing
13 is necessary. The Commission shall enter its order
14 confirming or modifying the supplemental procurement plan
15 within 90 days after the filing of the supplemental
16 procurement plan by the Agency.

17 (3) The Commission shall approve the supplemental
18 procurement plan of renewable energy credits to be
19 procured from new or existing photovoltaics, including,
20 but not limited to, distributed photovoltaic generation,
21 if the Commission determines that it will ensure adequate,
22 reliable, affordable, efficient, and environmentally
23 sustainable electric service in the form of renewable
24 energy credits at the lowest total cost over time, taking
25 into account any benefits of price stability.

26 (4) The supplemental procurement process under this

1 subsection (i) shall include each of the following
2 components:

3 (A) Procurement administrator. The Agency may
4 retain a procurement administrator in the manner set
5 forth in item (2) of subsection (a) of Section 1-75 of
6 this Act to conduct the supplemental procurement or
7 may elect to use the same procurement administrator
8 administering the Agency's annual procurement under
9 Section 1-75.

10 (B) Procurement monitor. The procurement monitor
11 retained by the Commission pursuant to Section
12 16-111.5 of the Public Utilities Act shall:

13 (i) monitor interactions among the procurement
14 administrator and bidders and suppliers;

15 (ii) monitor and report to the Commission on
16 the progress of the supplemental procurement
17 process;

18 (iii) provide an independent confidential
19 report to the Commission regarding the results of
20 the procurement events;

21 (iv) assess compliance with the procurement
22 plan approved by the Commission for the
23 supplemental procurement process;

24 (v) preserve the confidentiality of supplier
25 and bidding information in a manner consistent
26 with all applicable laws, rules, regulations, and

1 tariffs;

2 (vi) provide expert advice to the Commission
3 and consult with the procurement administrator
4 regarding issues related to procurement process
5 design, rules, protocols, and policy-related
6 matters;

7 (vii) consult with the procurement
8 administrator regarding the development and use of
9 benchmark criteria, standard form contracts,
10 credit policies, and bid documents; and

11 (viii) perform, with respect to the
12 supplemental procurement process, any other
13 procurement monitor duties specifically delineated
14 within subsection (i) of this Section.

15 (C) Solicitation, pre-qualification, and
16 registration of bidders. The procurement administrator
17 shall disseminate information to potential bidders to
18 promote a procurement event, notify potential bidders
19 that the procurement administrator may enter into a
20 post-bid price negotiation with bidders that meet the
21 applicable benchmarks, provide supply requirements,
22 and otherwise explain the competitive procurement
23 process. In addition to such other publication as the
24 procurement administrator determines is appropriate,
25 this information shall be posted on the Agency's and
26 the Commission's websites. The procurement

1 administrator shall also administer the
2 prequalification process, including evaluation of
3 credit worthiness, compliance with procurement rules,
4 and agreement to the standard form contract developed
5 pursuant to item (D) of this paragraph (4). The
6 procurement administrator shall then identify and
7 register bidders to participate in the procurement
8 event.

9 (D) Standard contract forms and credit terms and
10 instruments. The procurement administrator, in
11 consultation with the Agency, the Commission, and
12 other interested parties and subject to Commission
13 oversight, shall develop and provide standard contract
14 forms for the supplier contracts that meet generally
15 accepted industry practices as well as include any
16 applicable State of Illinois terms and conditions that
17 are required for contracts entered into by an agency
18 of the State of Illinois. Standard credit terms and
19 instruments that meet generally accepted industry
20 practices shall be similarly developed. Contracts for
21 new photovoltaics shall include a provision attesting
22 that the supplier will use a qualified person for the
23 installation of the device pursuant to paragraph (1)
24 of subsection (i) of this Section. The procurement
25 administrator shall make available to the Commission
26 all written comments it receives on the contract

1 forms, credit terms, or instruments. If the
2 procurement administrator cannot reach agreement with
3 the parties as to the contract terms and conditions,
4 the procurement administrator must notify the
5 Commission of any disputed terms and the Commission
6 shall resolve the dispute. The terms of the contracts
7 shall not be subject to negotiation by winning
8 bidders, and the bidders must agree to the terms of the
9 contract in advance so that winning bids are selected
10 solely on the basis of price.

11 (E) Requests for proposals; competitive
12 procurement process. The procurement administrator
13 shall design and issue requests for proposals to
14 supply renewable energy credits in accordance with the
15 supplemental procurement plan, as approved by the
16 Commission. The requests for proposals shall set forth
17 a procedure for sealed, binding commitment bidding
18 with pay-as-bid settlement, and provision for
19 selection of bids on the basis of price, provided,
20 however, that no bid shall be accepted if it exceeds
21 the benchmark developed pursuant to item (F) of this
22 paragraph (4).

23 (F) Benchmarks. Benchmarks for each product to be
24 procured shall be developed by the procurement
25 administrator in consultation with Commission staff,
26 the Agency, and the procurement monitor for use in

1 this supplemental procurement.

2 (G) A plan for implementing contingencies in the
3 event of supplier default, Commission rejection of
4 results, or any other cause.

5 (5) Within 2 business days after opening the sealed
6 bids, the procurement administrator shall submit a
7 confidential report to the Commission. The report shall
8 contain the results of the bidding for each of the
9 products along with the procurement administrator's
10 recommendation for the acceptance and rejection of bids
11 based on the price benchmark criteria and other factors
12 observed in the process. The procurement monitor also
13 shall submit a confidential report to the Commission
14 within 2 business days after opening the sealed bids. The
15 report shall contain the procurement monitor's assessment
16 of bidder behavior in the process as well as an assessment
17 of the procurement administrator's compliance with the
18 procurement process and rules. The Commission shall review
19 the confidential reports submitted by the procurement
20 administrator and procurement monitor and shall accept or
21 reject the recommendations of the procurement
22 administrator within 2 business days after receipt of the
23 reports.

24 (6) Within 3 business days after the Commission
25 decision approving the results of a procurement event, the
26 Agency shall enter into binding contractual arrangements

1 with the winning suppliers using the standard form
2 contracts.

3 (7) The names of the successful bidders and the
4 average of the winning bid prices for each contract type
5 and for each contract term shall be made available to the
6 public within 2 days after the supplemental procurement
7 event. The Commission, the procurement monitor, the
8 procurement administrator, the Agency, and all
9 participants in the procurement process shall maintain the
10 confidentiality of all other supplier and bidding
11 information in a manner consistent with all applicable
12 laws, rules, regulations, and tariffs. Confidential
13 information, including the confidential reports submitted
14 by the procurement administrator and procurement monitor
15 pursuant to this Section, shall not be made publicly
16 available and shall not be discoverable by any party in
17 any proceeding, absent a compelling demonstration of need,
18 nor shall those reports be admissible in any proceeding
19 other than one for law enforcement purposes.

20 (8) The supplemental procurement provided in this
21 subsection (i) shall not be subject to the requirements
22 and limitations of subsections (c) and (d) of this
23 Section.

24 (9) Expenses incurred in connection with the
25 procurement process held pursuant to this Section,
26 including, but not limited to, the cost of developing the

1 supplemental procurement plan, the procurement
2 administrator, procurement monitor, and the cost of the
3 retirement of renewable energy credits purchased pursuant
4 to the supplemental procurement shall be paid for from the
5 Illinois Power Agency Renewable Energy Resources Fund. The
6 Agency shall enter into an interagency agreement with the
7 Commission to reimburse the Commission for its costs
8 associated with the procurement monitor for the
9 supplemental procurement process.

10 (Source: P.A. 98-672, eff. 6-30-14; 99-906, eff. 6-1-17.)

11 (20 ILCS 3855/1-70)

12 Sec. 1-70. Agency officials.

13 (a) The Agency shall have a Director who meets the
14 qualifications specified in Section 5-222 of the Civil
15 Administrative Code of Illinois.

16 (b) Within the Illinois Power Agency, the Agency shall
17 establish a Planning and Procurement Bureau and may establish
18 a Resource Development Bureau. Each Bureau shall report to the
19 Director.

20 (c) The Chief of the Planning and Procurement Bureau shall
21 be appointed by the Director, at the Director's sole
22 discretion, and (i) shall have at least 5 years of direct
23 experience in electricity supply planning and procurement and
24 (ii) shall also hold an advanced degree in risk management,
25 law, business, or a related field.

1 (d) The Chief of the Resource Development Bureau may be
2 appointed by the Director and (i) shall have at least 5 years
3 of direct experience in electric generating project
4 development and (ii) shall also hold an advanced degree in
5 economics, engineering, law, business, or a related field.

6 (e) For terms ending before December 31, 2019, the
7 Director shall receive an annual salary of \$100,000 or as set
8 by the Executive Ethics Commission based on a review of
9 comparable State agency director salaries, whichever is
10 higher. No annual salary for the Director or a Bureau Chief
11 shall exceed the amount of salary set by law for the Governor
12 that is in effect on July 1 of that fiscal year. Compensation
13 ~~Review Board, whichever is higher. For terms ending before~~
14 ~~December 31, 2019, the Bureau Chiefs shall each receive an~~
15 ~~annual salary of \$85,000 or as set by the Compensation Review~~
16 ~~Board, whichever is higher. For terms beginning after the~~
17 ~~effective date of this amendatory Act of the 100th General~~
18 ~~Assembly, the annual salaries for the Director and the Bureau~~
19 ~~Chiefs shall be an amount equal to 15% more than the respective~~
20 ~~position's annual salary as of December 31, 2018. The~~
21 ~~calculation of the 2018 salary base for this adjustment shall~~
22 ~~not include any cost of living adjustments, as authorized by~~
23 ~~Senate Joint Resolution 192 of the 86th General Assembly, for~~
24 ~~the period beginning July 1, 2009 to June 30, 2019. Beginning~~
25 ~~July 1, 2019 and each July 1 thereafter, the Director and the~~
26 ~~Bureau Chiefs shall receive an increase in salary based on a~~

1 ~~cost of living adjustment as authorized by Senate Joint~~
2 ~~Resolution 192 of the 86th General Assembly.~~

3 (f) The Director and Bureau Chiefs shall not, for 2 years
4 prior to appointment or for 2 years after he or she leaves his
5 or her position, be employed by an electric utility,
6 independent power producer, power marketer, or alternative
7 retail electric supplier regulated by the Commission or the
8 Federal Energy Regulatory Commission.

9 (g) The Director and Bureau Chiefs are prohibited from:
10 (i) owning, directly or indirectly, 5% or more of the voting
11 capital stock of an electric utility, independent power
12 producer, power marketer, or alternative retail electric
13 supplier; (ii) being in any chain of successive ownership of
14 5% or more of the voting capital stock of any electric utility,
15 independent power producer, power marketer, or alternative
16 retail electric supplier; (iii) receiving any form of
17 compensation, fee, payment, or other consideration from an
18 electric utility, independent power producer, power marketer,
19 or alternative retail electric supplier, including legal fees,
20 consulting fees, bonuses, or other sums. These limitations do
21 not apply to any compensation received pursuant to a defined
22 benefit plan or other form of deferred compensation, provided
23 that the individual has otherwise severed all ties to the
24 utility, power producer, power marketer, or alternative retail
25 electric supplier.

26 (Source: P.A. 99-536, eff. 7-8-16; 100-1179, eff. 1-18-19.)

1 (20 ILCS 3855/1-75)

2 Sec. 1-75. Planning and Procurement Bureau. The Planning
3 and Procurement Bureau has the following duties and
4 responsibilities:

5 (a) The Planning and Procurement Bureau shall each year,
6 beginning in 2008, develop procurement plans and conduct
7 competitive procurement processes in accordance with the
8 requirements of Section 16-111.5 of the Public Utilities Act
9 for the eligible retail customers of electric utilities that
10 on December 31, 2005 provided electric service to at least
11 100,000 customers in Illinois. Beginning with the delivery
12 year commencing on June 1, 2017, the Planning and Procurement
13 Bureau shall develop plans and processes for the procurement
14 of zero emission credits from zero emission facilities in
15 accordance with the requirements of subsection (d-5) of this
16 Section. Beginning on the effective date of this amendatory
17 Act of the 102nd General Assembly, the Planning and
18 Procurement Bureau shall develop plans and processes for the
19 procurement of carbon mitigation credits from carbon-free
20 energy resources in accordance with the requirements of
21 subsection (d-10) of this Section. The Planning and
22 Procurement Bureau shall also develop procurement plans and
23 conduct competitive procurement processes in accordance with
24 the requirements of Section 16-111.5 of the Public Utilities
25 Act for the eligible retail customers of small

1 multi-jurisdictional electric utilities that (i) on December
2 31, 2005 served less than 100,000 customers in Illinois and
3 (ii) request a procurement plan for their Illinois
4 jurisdictional load. This Section shall not apply to a small
5 multi-jurisdictional utility until such time as a small
6 multi-jurisdictional utility requests the Agency to prepare a
7 procurement plan for their Illinois jurisdictional load. For
8 the purposes of this Section, the term "eligible retail
9 customers" has the same definition as found in Section
10 16-111.5(a) of the Public Utilities Act.

11 Beginning with the plan or plans to be implemented in the
12 2017 delivery year, the Agency shall no longer include the
13 procurement of renewable energy resources in the annual
14 procurement plans required by this subsection (a), except as
15 provided in subsection (q) of Section 16-111.5 of the Public
16 Utilities Act, and shall instead develop a long-term renewable
17 resources procurement plan in accordance with subsection (c)
18 of this Section and Section 16-111.5 of the Public Utilities
19 Act.

20 In accordance with subsection (c-5) of this Section, the
21 Planning and Procurement Bureau shall oversee the procurement
22 by electric utilities that served more than 300,000 retail
23 customers in this State as of January 1, 2019 of renewable
24 energy credits from new utility-scale solar projects to be
25 installed, along with energy storage facilities, at or
26 adjacent to the sites of electric generating facilities that,

1 as of January 1, 2016, burned coal as their primary fuel
2 source.

3 (1) The Agency shall each year, beginning in 2008, as
4 needed, issue a request for qualifications for experts or
5 expert consulting firms to develop the procurement plans
6 in accordance with Section 16-111.5 of the Public
7 Utilities Act. In order to qualify an expert or expert
8 consulting firm must have:

9 (A) direct previous experience assembling
10 large-scale power supply plans or portfolios for
11 end-use customers;

12 (B) an advanced degree in economics, mathematics,
13 engineering, risk management, or a related area of
14 study;

15 (C) 10 years of experience in the electricity
16 sector, including managing supply risk;

17 (D) expertise in wholesale electricity market
18 rules, including those established by the Federal
19 Energy Regulatory Commission and regional transmission
20 organizations;

21 (E) expertise in credit protocols and familiarity
22 with contract protocols;

23 (F) adequate resources to perform and fulfill the
24 required functions and responsibilities; and

25 (G) the absence of a conflict of interest and
26 inappropriate bias for or against potential bidders or

1 the affected electric utilities.

2 (2) The Agency shall each year, as needed, issue a
3 request for qualifications for a procurement administrator
4 to conduct the competitive procurement processes in
5 accordance with Section 16-111.5 of the Public Utilities
6 Act. In order to qualify an expert or expert consulting
7 firm must have:

8 (A) direct previous experience administering a
9 large-scale competitive procurement process;

10 (B) an advanced degree in economics, mathematics,
11 engineering, or a related area of study;

12 (C) 10 years of experience in the electricity
13 sector, including risk management experience;

14 (D) expertise in wholesale electricity market
15 rules, including those established by the Federal
16 Energy Regulatory Commission and regional transmission
17 organizations;

18 (E) expertise in credit and contract protocols;

19 (F) adequate resources to perform and fulfill the
20 required functions and responsibilities; and

21 (G) the absence of a conflict of interest and
22 inappropriate bias for or against potential bidders or
23 the affected electric utilities.

24 (3) The Agency shall provide affected utilities and
25 other interested parties with the lists of qualified
26 experts or expert consulting firms identified through the

1 request for qualifications processes that are under
2 consideration to develop the procurement plans and to
3 serve as the procurement administrator. The Agency shall
4 also provide each qualified expert's or expert consulting
5 firm's response to the request for qualifications. All
6 information provided under this subparagraph shall also be
7 provided to the Commission. The Agency may provide by rule
8 for fees associated with supplying the information to
9 utilities and other interested parties. These parties
10 shall, within 5 business days, notify the Agency in
11 writing if they object to any experts or expert consulting
12 firms on the lists. Objections shall be based on:

13 (A) failure to satisfy qualification criteria;

14 (B) identification of a conflict of interest; or

15 (C) evidence of inappropriate bias for or against
16 potential bidders or the affected utilities.

17 The Agency shall remove experts or expert consulting
18 firms from the lists within 10 days if there is a
19 reasonable basis for an objection and provide the updated
20 lists to the affected utilities and other interested
21 parties. If the Agency fails to remove an expert or expert
22 consulting firm from a list, an objecting party may seek
23 review by the Commission within 5 days thereafter by
24 filing a petition, and the Commission shall render a
25 ruling on the petition within 10 days. There is no right of
26 appeal of the Commission's ruling.

1 (4) The Agency shall issue requests for proposals to
2 the qualified experts or expert consulting firms to
3 develop a procurement plan for the affected utilities and
4 to serve as procurement administrator.

5 (5) The Agency shall select an expert or expert
6 consulting firm to develop procurement plans based on the
7 proposals submitted and shall award contracts of up to 5
8 years to those selected.

9 (6) The Agency shall select an expert or expert
10 consulting firm, with approval of the Commission, to serve
11 as procurement administrator based on the proposals
12 submitted. If the Commission rejects, within 5 days, the
13 Agency's selection, the Agency shall submit another
14 recommendation within 3 days based on the proposals
15 submitted. The Agency shall award a 5-year contract to the
16 expert or expert consulting firm so selected with
17 Commission approval.

18 (b) The experts or expert consulting firms retained by the
19 Agency shall, as appropriate, prepare procurement plans, and
20 conduct a competitive procurement process as prescribed in
21 Section 16-111.5 of the Public Utilities Act, to ensure
22 adequate, reliable, affordable, efficient, and environmentally
23 sustainable electric service at the lowest total cost over
24 time, taking into account any benefits of price stability, for
25 eligible retail customers of electric utilities that on
26 December 31, 2005 provided electric service to at least

1 100,000 customers in the State of Illinois, and for eligible
2 Illinois retail customers of small multi-jurisdictional
3 electric utilities that (i) on December 31, 2005 served less
4 than 100,000 customers in Illinois and (ii) request a
5 procurement plan for their Illinois jurisdictional load.

6 (c) Renewable portfolio standard.

7 (1) (A) The Agency shall develop a long-term renewable
8 resources procurement plan that shall include procurement
9 programs and competitive procurement events necessary to
10 meet the goals set forth in this subsection (c). The
11 initial long-term renewable resources procurement plan
12 shall be released for comment no later than 160 days after
13 June 1, 2017 (the effective date of Public Act 99-906).
14 The Agency shall review, and may revise on an expedited
15 basis, the long-term renewable resources procurement plan
16 at least every 2 years, which shall be conducted in
17 conjunction with the procurement plan under Section
18 16-111.5 of the Public Utilities Act to the extent
19 practicable to minimize administrative expense. No later
20 than 120 days after the effective date of this amendatory
21 Act of the 102nd General Assembly, the Agency shall
22 release for comment a revision to the long-term renewable
23 resources procurement plan, updating elements of the most
24 recently approved plan as needed to comply with this
25 amendatory Act of the 102nd General Assembly, and any
26 long-term renewable resources procurement plan update

1 published by the Agency but not yet approved by the
2 Illinois Commerce Commission shall be withdrawn. The
3 long-term renewable resources procurement plans shall be
4 subject to review and approval by the Commission under
5 Section 16-111.5 of the Public Utilities Act.

6 (B) Subject to subparagraph (F) of this paragraph (1),
7 the long-term renewable resources procurement plan shall
8 attempt to meet ~~include~~ the goals for procurement of
9 renewable energy credits at levels of ~~to meet~~ at least the
10 following overall percentages: 13% by the 2017 delivery
11 year; increasing by at least 1.5% each delivery year
12 thereafter to at least 25% by the 2025 delivery year;
13 increasing by at least 3% each delivery year thereafter to
14 at least 40% by the 2030 delivery year, and continuing at
15 no less than 40% ~~25%~~ for each delivery year thereafter.
16 The Agency shall attempt to procure 50% by delivery year
17 2040. The Agency shall determine the annual increase
18 between delivery year 2030 and delivery year 2040, if any,
19 taking into account energy demand, other energy resources,
20 and other public policy goals. In the event of a conflict
21 between these goals and the new wind and new photovoltaic
22 procurement requirements described in items (i) through
23 (iii) of subparagraph (C) of this paragraph (1), the
24 long-term plan shall prioritize compliance with the new
25 wind and new photovoltaic procurement requirements
26 described in items (i) through (iii) of subparagraph (C)

1 of this paragraph (1) over the annual percentage targets
2 described in this subparagraph (B). The Agency shall not
3 comply with the annual percentage targets described in
4 this subparagraph (B) by procuring renewable energy
5 credits that are unlikely to lead to the development of
6 new renewable resources.

7 For the delivery year beginning June 1, 2017, the
8 procurement plan shall attempt to include, subject to the
9 prioritization outlined in this subparagraph (B),
10 cost-effective renewable energy resources equal to at
11 least 13% of each utility's load for eligible retail
12 customers and 13% of the applicable portion of each
13 utility's load for retail customers who are not eligible
14 retail customers, which applicable portion shall equal 50%
15 of the utility's load for retail customers who are not
16 eligible retail customers on February 28, 2017.

17 For the delivery year beginning June 1, 2018, the
18 procurement plan shall attempt to include, subject to the
19 prioritization outlined in this subparagraph (B),
20 cost-effective renewable energy resources equal to at
21 least 14.5% of each utility's load for eligible retail
22 customers and 14.5% of the applicable portion of each
23 utility's load for retail customers who are not eligible
24 retail customers, which applicable portion shall equal 75%
25 of the utility's load for retail customers who are not
26 eligible retail customers on February 28, 2017.

1 For the delivery year beginning June 1, 2019, and for
2 each year thereafter, the procurement plans shall attempt
3 to include, subject to the prioritization outlined in this
4 subparagraph (B), cost-effective renewable energy
5 resources equal to a minimum percentage of each utility's
6 load for all retail customers as follows: 16% by June 1,
7 2019; increasing by 1.5% each year thereafter to 25% by
8 June 1, 2025; and 25% by June 1, 2026; increasing by at
9 least 3% each delivery year thereafter to at least 40% by
10 the 2030 delivery year, and continuing at no less than 40%
11 for each delivery year thereafter. The Agency shall
12 attempt to procure 50% by delivery year 2040. The Agency
13 shall determine the annual increase between delivery year
14 2030 and delivery year 2040, if any, taking into account
15 energy demand, other energy resources, and other public
16 policy goals.

17 For each delivery year, the Agency shall first
18 recognize each utility's obligations for that delivery
19 year under existing contracts. Any renewable energy
20 credits under existing contracts, including renewable
21 energy credits as part of renewable energy resources,
22 shall be used to meet the goals set forth in this
23 subsection (c) for the delivery year.

24 ~~(C) Of the renewable energy credits procured under~~
25 ~~this subsection (c), at least 75% shall come from wind and~~
26 ~~photovoltaic projects. The long-term renewable resources~~

1 procurement plan described in subparagraph (A) of this
2 paragraph (1) shall include the procurement of renewable
3 energy credits from new projects in amounts equal to at
4 least the following:

5 (i) 10,000,000 renewable energy credits delivered
6 annually by the end of the 2021 delivery year, and
7 increasing ratably to reach 45,000,000 renewable
8 energy credits delivered annually from new wind and
9 solar projects by the end of delivery year 2030 such
10 that the goals in subparagraph (B) of this paragraph
11 (1) are met entirely by procurements of renewable
12 energy credits from new wind and photovoltaic
13 projects. Of ~~By the end of the 2020 delivery year: At~~
14 ~~least 2,000,000 renewable energy credits for each~~
15 ~~delivery year shall come from new wind projects; and~~
16 ~~At least 2,000,000 renewable energy credits for each~~
17 ~~delivery year shall come from new photovoltaic~~
18 ~~projects; of that amount, to the extent possible, the~~
19 Agency shall procure 45% from wind projects and 55%
20 from photovoltaic projects. Of the amount to be
21 procured from photovoltaic projects, the Agency shall
22 procure: at least 50% from solar photovoltaic projects
23 using the program outlined in subparagraph (K) of this
24 paragraph (1) from distributed renewable energy
25 generation devices or community renewable generation
26 projects; at least 47% ~~40%~~ from utility-scale solar

1 projects; at least 3% ~~2%~~ from brownfield site
2 photovoltaic projects that are not community renewable
3 generation projects; ~~and the remainder shall be~~
4 ~~determined through the long-term planning process~~
5 ~~described in subparagraph (A) of this paragraph (1).~~

6 In developing the long-term renewable resources
7 procurement plan, the Agency shall consider other
8 approaches, in addition to competitive procurements,
9 that can be used to procure renewable energy credits
10 from brownfield site photovoltaic projects and thereby
11 help return blighted or contaminated land to
12 productive use while enhancing public health and the
13 well-being of Illinois residents, including those in
14 environmental justice communities, as defined using
15 existing methodologies and findings used by the Agency
16 and its Administrator in its Illinois Solar for All
17 Program.

18 (ii) In any given delivery year, if forecasted
19 expenses are less than the maximum budget available
20 under subparagraph (E) of this paragraph (1), the
21 Agency shall continue to procure new renewable energy
22 credits until that budget is exhausted in the manner
23 outlined in item (i) of this subparagraph (C). ~~By the~~
24 ~~end of the 2025 delivery year:~~

25 ~~At least 3,000,000 renewable energy credits~~
26 ~~for each delivery year shall come from new wind~~

1 ~~projects; and~~

2 ~~At least 3,000,000 renewable energy credits~~
3 ~~for each delivery year shall come from new~~
4 ~~photovoltaic projects; of that amount, to the~~
5 ~~extent possible, the Agency shall procure: at~~
6 ~~least 50% from solar photovoltaic projects using~~
7 ~~the program outlined in subparagraph (K) of this~~
8 ~~paragraph (1) from distributed renewable energy~~
9 ~~devices or community renewable generation~~
10 ~~projects; at least 40% from utility scale solar~~
11 ~~projects; at least 2% from brownfield site~~
12 ~~photovoltaic projects that are not community~~
13 ~~renewable generation projects; and the remainder~~
14 ~~shall be determined through the long term planning~~
15 ~~process described in subparagraph (A) of this~~
16 ~~paragraph (1).~~

17 ~~(iii) By the end of the 2030 delivery year:~~

18 ~~At least 4,000,000 renewable energy credits~~
19 ~~for each delivery year shall come from new wind~~
20 ~~projects; and~~

21 ~~At least 4,000,000 renewable energy credits~~
22 ~~for each delivery year shall come from new~~
23 ~~photovoltaic projects; of that amount, to the~~
24 ~~extent possible, the Agency shall procure: at~~
25 ~~least 50% from solar photovoltaic projects using~~
26 ~~the program outlined in subparagraph (K) of this~~

1 ~~paragraph (1) from distributed renewable energy~~
2 ~~devices or community renewable generation~~
3 ~~projects; at least 40% from utility-scale solar~~
4 ~~projects; at least 2% from brownfield site~~
5 ~~photovoltaic projects that are not community~~
6 ~~renewable generation projects; and the remainder~~
7 ~~shall be determined through the long term planning~~
8 ~~process described in subparagraph (A) of this~~
9 ~~paragraph (1).~~

10 (iii) For purposes of this Section:

11 "New wind projects" means wind renewable energy
12 facilities that are energized after June 1, 2017 for
13 the delivery year commencing June 1, 2017 ~~or within 3~~
14 ~~years after the date the Commission approves contracts~~
15 ~~for subsequent delivery years.~~

16 "New photovoltaic projects" means photovoltaic
17 renewable energy facilities that are energized after
18 June 1, 2017. Photovoltaic projects developed under
19 Section 1-56 of this Act shall not apply towards the
20 new photovoltaic project requirements in this
21 subparagraph (C).

22 For purposes of calculating whether the Agency has
23 procured enough new wind and solar renewable energy
24 credits required by this subparagraph (C), renewable
25 energy facilities that have a multi-year renewable
26 energy credit delivery contract with the utility

1 through at least delivery year 2030 shall be
2 considered new, however no renewable energy credits
3 from contracts entered into before June 1, 2021 shall
4 be used to calculate whether the Agency has procured
5 the correct proportion of new wind and new solar
6 contracts described in this subparagraph (C) for
7 delivery year 2021 and thereafter.

8 (D) Renewable energy credits shall be cost effective.
9 For purposes of this subsection (c), "cost effective"
10 means that the costs of procuring renewable energy
11 resources do not cause the limit stated in subparagraph
12 (E) of this paragraph (1) to be exceeded and, for
13 renewable energy credits procured through a competitive
14 procurement event, do not exceed benchmarks based on
15 market prices for like products in the region. For
16 purposes of this subsection (c), "like products" means
17 contracts for renewable energy credits from the same or
18 substantially similar technology, same or substantially
19 similar vintage (new or existing), the same or
20 substantially similar quantity, and the same or
21 substantially similar contract length and structure.
22 Benchmarks shall reflect development, financing, or
23 related costs resulting from requirements imposed through
24 other provisions of State law, including, but not limited
25 to, requirements in subparagraphs (P) and (Q) of this
26 paragraph (1) and the Renewable Energy Facilities

1 Agricultural Impact Mitigation Act. Confidential
2 benchmarks ~~Benchmarks~~ shall be developed by the
3 procurement administrator, in consultation with the
4 Commission staff, Agency staff, and the procurement
5 monitor and shall be subject to Commission review and
6 approval. If price benchmarks for like products in the
7 region are not available, the procurement administrator
8 shall establish price benchmarks based on publicly
9 available data on regional technology costs and expected
10 current and future regional energy prices. The benchmarks
11 in this Section shall not be used to curtail or otherwise
12 reduce contractual obligations entered into by or through
13 the Agency prior to June 1, 2017 (the effective date of
14 Public Act 99-906).

15 (E) For purposes of this subsection (c), the required
16 procurement of cost-effective renewable energy resources
17 for a particular year commencing prior to June 1, 2017
18 shall be measured as a percentage of the actual amount of
19 electricity (megawatt-hours) supplied by the electric
20 utility to eligible retail customers in the delivery year
21 ending immediately prior to the procurement, and, for
22 delivery years commencing on and after June 1, 2017, the
23 required procurement of cost-effective renewable energy
24 resources for a particular year shall be measured as a
25 percentage of the actual amount of electricity
26 (megawatt-hours) delivered by the electric utility in the

1 delivery year ending immediately prior to the procurement,
2 to all retail customers in its service territory. For
3 purposes of this subsection (c), the amount paid per
4 kilowatthour means the total amount paid for electric
5 service expressed on a per kilowatthour basis. For
6 purposes of this subsection (c), the total amount paid for
7 electric service includes without limitation amounts paid
8 for supply, transmission, capacity, distribution,
9 surcharges, and add-on taxes.

10 Notwithstanding the requirements of this subsection
11 (c), the total of renewable energy resources procured
12 under the procurement plan for any single year shall be
13 subject to the limitations of this subparagraph (E). Such
14 procurement shall be reduced for all retail customers
15 based on the amount necessary to limit the annual
16 estimated average net increase due to the costs of these
17 resources included in the amounts paid by eligible retail
18 customers in connection with electric service to no more
19 than 4.25% ~~the greater of 2.015%~~ of the amount paid per
20 kilowatthour by those customers during the year ending May
21 31, 2009 ~~2007~~ ~~or the incremental amount per kilowatthour~~
22 ~~paid for these resources in 2011~~. To arrive at a maximum
23 dollar amount of renewable energy resources to be procured
24 for the particular delivery year, the resulting per
25 kilowatthour amount shall be applied to the actual amount
26 of kilowatthours of electricity delivered, or applicable

1 portion of such amount as specified in paragraph (1) of
2 this subsection (c), as applicable, by the electric
3 utility in the delivery year immediately prior to the
4 procurement to all retail customers in its service
5 territory. The calculations required by this subparagraph
6 (E) shall be made only once for each delivery year at the
7 time that the renewable energy resources are procured.
8 Once the determination as to the amount of renewable
9 energy resources to procure is made based on the
10 calculations set forth in this subparagraph (E) and the
11 contracts procuring those amounts are executed, no
12 subsequent rate impact determinations shall be made and no
13 adjustments to those contract amounts shall be allowed.
14 All costs incurred under such contracts shall be fully
15 recoverable by the electric utility as provided in this
16 Section.

17 (F) If the limitation on the amount of renewable
18 energy resources procured in subparagraph (E) of this
19 paragraph (1) prevents the Agency from meeting all of the
20 goals in this subsection (c), the Agency's long-term plan
21 shall prioritize compliance with the requirements of this
22 subsection (c) regarding renewable energy credits in the
23 following order:

24 (i) renewable energy credits under existing
25 contractual obligations as of June 1, 2021;

26 (i-5) funding for the Illinois Solar for All

1 Program, as described in subparagraph (O) of this
2 paragraph (1);

3 (ii) renewable energy credits necessary to comply
4 with the new wind and new photovoltaic procurement
5 requirements described in items (i) through (iii) of
6 subparagraph (C) of this paragraph (1); and

7 (iii) renewable energy credits necessary to meet
8 the remaining requirements of this subsection (c).

9 (G) The following provisions shall apply to the
10 Agency's procurement of renewable energy credits under
11 this subsection (c):

12 (i) Notwithstanding whether a long-term renewable
13 resources procurement plan has been approved, the
14 Agency shall conduct an initial forward procurement
15 for renewable energy credits from new utility-scale
16 wind projects within 160 days after June 1, 2017 (the
17 effective date of Public Act 99-906). For the purposes
18 of this initial forward procurement, the Agency shall
19 solicit 15-year contracts for delivery of 1,000,000
20 renewable energy credits delivered annually from new
21 utility-scale wind projects to begin delivery on June
22 1, 2019, if available, but not later than June 1, 2021,
23 unless the project has delays in the establishment of
24 an operating interconnection with the applicable
25 transmission or distribution system as a result of the
26 actions or inactions of the transmission or

1 distribution provider, or other causes for force
2 majeure as outlined in the procurement contract, in
3 which case, not later than June 1, 2022. Payments to
4 suppliers of renewable energy credits shall commence
5 upon delivery. Renewable energy credits procured under
6 this initial procurement shall be included in the
7 Agency's long-term plan and shall apply to all
8 renewable energy goals in this subsection (c).

9 (ii) Notwithstanding whether a long-term renewable
10 resources procurement plan has been approved, the
11 Agency shall conduct an initial forward procurement
12 for renewable energy credits from new utility-scale
13 solar projects and brownfield site photovoltaic
14 projects within one year after June 1, 2017 (the
15 effective date of Public Act 99-906). For the purposes
16 of this initial forward procurement, the Agency shall
17 solicit 15-year contracts for delivery of 1,000,000
18 renewable energy credits delivered annually from new
19 utility-scale solar projects and brownfield site
20 photovoltaic projects to begin delivery on June 1,
21 2019, if available, but not later than June 1, 2021,
22 unless the project has delays in the establishment of
23 an operating interconnection with the applicable
24 transmission or distribution system as a result of the
25 actions or inactions of the transmission or
26 distribution provider, or other causes for force

1 majeure as outlined in the procurement contract, in
2 which case, not later than June 1, 2022. The Agency may
3 structure this initial procurement in one or more
4 discrete procurement events. Payments to suppliers of
5 renewable energy credits shall commence upon delivery.
6 Renewable energy credits procured under this initial
7 procurement shall be included in the Agency's
8 long-term plan and shall apply to all renewable energy
9 goals in this subsection (c).

10 (iii) Notwithstanding whether the Commission has
11 approved the periodic long-term renewable resources
12 procurement plan revision described in Section
13 16-111.5 of the Public Utilities Act, the Agency shall
14 conduct at least one subsequent forward procurement
15 for renewable energy credits from new utility-scale
16 wind projects, new utility-scale solar projects, and
17 new brownfield site photovoltaic projects within 240
18 days after the effective date of this amendatory Act
19 of the 102nd General Assembly in quantities necessary
20 to meet the requirements of subparagraph (C) of this
21 paragraph (1) through the delivery year beginning June
22 1, 2021. ~~Subsequent forward procurements for~~
23 ~~utility scale wind projects shall solicit at least~~
24 ~~1,000,000 renewable energy credits delivered annually~~
25 ~~per procurement event and shall be planned, scheduled,~~
26 ~~and designed such that the cumulative amount of~~

1 ~~renewable energy credits delivered from all new wind~~
2 ~~projects in each delivery year shall not exceed the~~
3 ~~Agency's projection of the cumulative amount of~~
4 ~~renewable energy credits that will be delivered from~~
5 ~~all new photovoltaic projects, including utility scale~~
6 ~~and distributed photovoltaic devices, in the same~~
7 ~~delivery year at the time scheduled for wind contract~~
8 ~~delivery.~~

9 (iv) Notwithstanding whether the Commission has
10 approved the periodic long-term renewable resources
11 procurement plan revision described in Section
12 16-111.5 of the Public Utilities Act, the Agency shall
13 open capacity for each category in the Adjustable
14 Block program within 90 days after the effective date
15 of this amendatory Act of the 102nd General Assembly
16 manner:

17 (1) The Agency shall open the first block of
18 annual capacity for the category described in item
19 (i) of subparagraph (K) of this paragraph (1). The
20 first block of annual capacity for item (i) shall
21 be for at least 75 megawatts of total nameplate
22 capacity. The price of the renewable energy credit
23 for this block of capacity shall be 4% less than
24 the price of the last open block in this category.
25 Projects on a waitlist shall be awarded contracts
26 first in the order in which they appear on the

1 waitlist. Notwithstanding anything to the
2 contrary, for those renewable energy credits that
3 qualify and are procured under this subitem (1) of
4 this item (iv), the renewable energy credit
5 delivery contract value shall be paid in full,
6 based on the estimated generation during the first
7 15 years of operation, by the contracting
8 utilities at the time that the facility producing
9 the renewable energy credits is interconnected at
10 the distribution system level of the utility and
11 verified as energized and in compliance by the
12 Program Administrator. The electric utility shall
13 receive and retire all renewable energy credits
14 generated by the project for the first 15 years of
15 operation. Renewable energy credits generated by
16 the project thereafter shall not be transferred
17 under the renewable energy credit delivery
18 contract with the counterparty electric utility.

19 (2) The Agency shall open the first block of
20 annual capacity for the category described in item
21 (ii) of subparagraph (K) of this paragraph (1).
22 The first block of annual capacity for item (ii)
23 shall be for at least 75 megawatts of total
24 nameplate capacity.

25 (A) The price of the renewable energy
26 credit for any project on a waitlist for this

1 category before the opening of this block
2 shall be 4% less than the price of the last
3 open block in this category. Projects on the
4 waitlist shall be awarded contracts first in
5 the order in which they appear on the
6 waitlist. Any projects that are less than or
7 equal to 25 kilowatts in size on the waitlist
8 for this capacity shall be moved to the
9 waitlist for paragraph (1) of this item (iv).
10 Notwithstanding anything to the contrary,
11 projects that were on the waitlist prior to
12 opening of this block shall not be required to
13 be in compliance with the requirements of
14 subparagraph (Q) of this paragraph (1) of this
15 subsection (c). Notwithstanding anything to
16 the contrary, for those renewable energy
17 credits procured from projects that were on
18 the waitlist for this category before the
19 opening of this block 20% of the renewable
20 energy credit delivery contract value, based
21 on the estimated generation during the first
22 15 years of operation, shall be paid by the
23 contracting utilities at the time that the
24 facility producing the renewable energy
25 credits is interconnected at the distribution
26 system level of the utility and verified as

1 energized by the Program Administrator. The
2 remaining portion shall be paid ratably over
3 the subsequent 4-year period. The electric
4 utility shall receive and retire all renewable
5 energy credits generated by the project during
6 the first 15 years of operation. Renewable
7 energy credits generated by the project
8 thereafter shall not be transferred under the
9 renewable energy credit delivery contract with
10 the counterparty electric utility.

11 (B) The price of renewable energy credits
12 for any project not on the waitlist for this
13 category before the opening of the block shall
14 be determined and published by the Agency.
15 Projects not on a waitlist as of the opening
16 of this block shall be subject to the
17 requirements of subparagraph (Q) of this
18 paragraph (1), as applicable. Projects not on
19 a waitlist as of the opening of this block
20 shall be subject to the contract provisions
21 outlined in item (iii) of subparagraph (L) of
22 this paragraph (1). The Agency shall strive to
23 publish updated prices and an updated
24 renewable energy credit delivery contract as
25 quickly as possible.

26 (3) For opening the first 2 blocks of annual

1 capacity for projects participating in item (iii)
2 of subparagraph (K) of paragraph (1) of subsection
3 (c), projects shall be selected exclusively from
4 those projects on the ordinal waitlists of
5 community renewable generation projects
6 established by the Agency based on the status of
7 those ordinal waitlists as of December 31, 2020,
8 and only those projects previously determined to
9 be eligible for the Agency's April 2019 community
10 solar project selection process.

11 The first 2 blocks of annual capacity for item
12 (iii) shall be for 250 megawatts of total
13 nameplate capacity, with both blocks opening
14 simultaneously under the schedule outlined in the
15 paragraphs below. Projects shall be selected as
16 follows:

17 (A) The geographic balance of selected
18 projects shall follow the Group classification
19 found in the Agency's Revised Long-Term
20 Renewable Resources Procurement Plan, with 70%
21 of capacity allocated to projects on the Group
22 B waitlist and 30% of capacity allocated to
23 projects on the Group A waitlist.

24 (B) Contract awards for waitlisted
25 projects shall be allocated proportionate to
26 the total nameplate capacity amount across

1 both ordinal waitlists associated with that
2 applicant firm or its affiliates, subject to
3 the following conditions.

4 (i) Each applicant firm having a
5 waitlisted project eligible for selection
6 shall receive no less than 500 kilowatts
7 in awarded capacity across all groups, and
8 no approved vendor may receive more than
9 20% of each Group's waitlist allocation.

10 (ii) Each applicant firm, upon
11 receiving an award of program capacity
12 proportionate to its waitlisted capacity,
13 may then determine which waitlisted
14 projects it chooses to be selected for a
15 contract award up to that capacity amount.

16 (iii) Assuming all other program
17 requirements are met, applicant firms may
18 adjust the nameplate capacity of applicant
19 projects without losing waitlist
20 eligibility, so long as no project is
21 greater than 2,000 kilowatts in size.

22 (iv) Assuming all other program
23 requirements are met, applicant firms may
24 adjust the expected production associated
25 with applicant projects, subject to
26 verification by the Program Administrator.

1 (C) After a review of affiliate
2 information and the current ordinal waitlists,
3 the Agency shall announce the nameplate
4 capacity award amounts associated with
5 applicant firms no later than 90 days after
6 the effective date of this amendatory Act of
7 the 102nd General Assembly.

8 (D) Applicant firms shall submit their
9 portfolio of projects used to satisfy those
10 contract awards no less than 90 days after the
11 Agency's announcement. The total nameplate
12 capacity of all projects used to satisfy that
13 portfolio shall be no greater than the
14 Agency's nameplate capacity award amount
15 associated with that applicant firm. An
16 applicant firm may decline, in whole or in
17 part, its nameplate capacity award without
18 penalty, with such unmet capacity rolled over
19 to the next block opening for project
20 selection under item (iii) of subparagraph (K)
21 of this subsection (c). Any projects not
22 included in an applicant firm's portfolio may
23 reapply without prejudice upon the next block
24 reopening for project selection under item
25 (iii) of subparagraph (K) of this subsection
26 (c).

1 (E) The renewable energy credit delivery
2 contract shall be subject to the contract and
3 payment terms outlined in item (iv) of
4 subparagraph (L) of this subsection (c).
5 Contract instruments used for this
6 subparagraph shall contain the following
7 terms:

8 (i) Renewable energy credit prices
9 shall be fixed, without further adjustment
10 under any other provision of this Act or
11 for any other reason, at 10% lower than
12 prices applicable to the last open block
13 for this category, inclusive of any adders
14 available for achieving a minimum of 50%
15 of subscribers to the project's nameplate
16 capacity being residential or small
17 commercial customers with subscriptions of
18 below 25 kilowatts in size;

19 (ii) A requirement that a minimum of
20 50% of subscribers to the project's
21 nameplate capacity be residential or small
22 commercial customers with subscriptions of
23 below 25 kilowatts in size;

24 (iii) Permission for the ability of a
25 contract holder to substitute projects
26 with other waitlisted projects without

1 penalty should a project receive a
2 non-binding estimate of costs to construct
3 the interconnection facilities and any
4 required distribution upgrades associated
5 with that project of greater than 30 cents
6 per watt AC of that project's nameplate
7 capacity. In developing the applicable
8 contract instrument, the Agency may
9 consider whether other circumstances
10 outside of the control of the applicant
11 firm should also warrant project
12 substitution rights.

13 The Agency shall publish a finalized
14 updated renewable energy credit delivery
15 contract developed consistent with these terms
16 and conditions no less than 30 days before
17 applicant firms must submit their portfolio of
18 projects pursuant to item (D).

19 (F) To be eligible for an award, the
20 applicant firm shall certify that not less
21 than prevailing wage, as determined pursuant
22 to the Illinois Prevailing Wage Act, was or
23 will be paid to employees who are engaged in
24 construction activities associated with a
25 selected project.

26 (4) The Agency shall open the first block of

1 annual capacity for the category described in item
2 (iv) of subparagraph (K) of this paragraph (1).
3 The first block of annual capacity for item (iv)
4 shall be for at least 50 megawatts of total
5 nameplate capacity. Renewable energy credit prices
6 shall be fixed, without further adjustment under
7 any other provision of this Act or for any other
8 reason, at the price in the last open block in the
9 category described in item (ii) of subparagraph
10 (K) of this paragraph (1). Pricing for future
11 blocks of annual capacity for this category may be
12 adjusted in the Agency's second revision to its
13 Long-Term Renewable Resources Procurement Plan.
14 Projects in this category shall be subject to the
15 contract terms outlined in item (iv) of
16 subparagraph (L) of this paragraph (1).

17 (5) The Agency shall open the equivalent of 2
18 years of annual capacity for the category
19 described in item (v) of subparagraph (K) of this
20 paragraph (1). The first block of annual capacity
21 for item (v) shall be for at least 10 megawatts of
22 total nameplate capacity. Notwithstanding the
23 provisions of item (v) of subparagraph (K) of this
24 paragraph (1), for the purpose of this initial
25 block, the agency shall accept new project
26 applications intended to increase the diversity of

1 areas hosting community solar projects, the
2 business models of projects, and the size of
3 projects, as described by the Agency in its
4 long-term renewable resources procurement plan
5 that is approved as of the effective date of this
6 amendatory Act of the 102nd General Assembly.
7 Projects in this category shall be subject to the
8 contract terms outlined in item (iii) of
9 subsection (L) of this paragraph (1).

10 (6) The Agency shall open the first blocks of
11 annual capacity for the category described in item
12 (vi) of subparagraph (K) of this paragraph (1),
13 with allocations of capacity within the block
14 generally matching the historical share of block
15 capacity allocated between the category described
16 in items (i) and (ii) of subparagraph (K) of this
17 paragraph (1). The first two blocks of annual
18 capacity for item (vi) shall be for at least 75
19 megawatts of total nameplate capacity. The price
20 of renewable energy credits for the blocks of
21 capacity shall be 4% less than the price of the
22 last open blocks in the categories described in
23 items (i) and (ii) of subparagraph (K) of this
24 paragraph (1). Pricing for future blocks of annual
25 capacity for this category may be adjusted in the
26 Agency's second revision to its Long-Term

1 Renewable Resources Procurement Plan. Projects in
2 this category shall be subject to the applicable
3 contract terms outlined in items (ii) and (iii) of
4 subparagraph (L) of this paragraph (1). ~~If, at any~~
5 ~~time after the time set for delivery of renewable~~
6 ~~energy credits pursuant to the initial~~
7 ~~procurements in items (i) and (ii) of this~~
8 ~~subparagraph (G), the cumulative amount of~~
9 ~~renewable energy credits projected to be delivered~~
10 ~~from all new wind projects in a given delivery~~
11 ~~year exceeds the cumulative amount of renewable~~
12 ~~energy credits projected to be delivered from all~~
13 ~~new photovoltaic projects in that delivery year by~~
14 ~~200,000 or more renewable energy credits, then the~~
15 ~~Agency shall within 60 days adjust the procurement~~
16 ~~programs in the long term renewable resources~~
17 ~~procurement plan to ensure that the projected~~
18 ~~cumulative amount of renewable energy credits to~~
19 ~~be delivered from all new wind projects does not~~
20 ~~exceed the projected cumulative amount of~~
21 ~~renewable energy credits to be delivered from all~~
22 ~~new photovoltaic projects by 200,000 or more~~
23 ~~renewable energy credits, provided that nothing in~~
24 ~~this Section shall preclude the projected~~
25 ~~cumulative amount of renewable energy credits to~~
26 ~~be delivered from all new photovoltaic projects~~

1 ~~from exceeding the projected cumulative amount of~~
2 ~~renewable energy credits to be delivered from all~~
3 ~~new wind projects in each delivery year and~~
4 ~~provided further that nothing in this item (iv)~~
5 ~~shall require the curtailment of an executed~~
6 ~~contract. The Agency shall update, on a quarterly~~
7 ~~basis, its projection of the renewable energy~~
8 ~~credits to be delivered from all projects in each~~
9 ~~delivery year. Notwithstanding anything to the~~
10 ~~contrary, the Agency may adjust the timing of~~
11 ~~procurement events conducted under this~~
12 ~~subparagraph (G). The long term renewable~~
13 ~~resources procurement plan shall set forth the~~
14 ~~process by which the adjustments may be made.~~

15 (v) Upon the effective date of this amendatory Act
16 of the 102nd General Assembly, for all competitive
17 procurements and any procurements of renewable energy
18 credit from new utility-scale wind and new
19 utility-scale photovoltaic projects, the Agency shall
20 procure indexed renewable energy credits and direct
21 respondents to offer a strike price.

22 (1) The purchase price of the indexed
23 renewable energy credit payment shall be
24 calculated for each settlement period. That
25 payment, for any settlement period, shall be equal
26 to the difference resulting from subtracting the

1 strike price from the index price for that
2 settlement period. If this difference results in a
3 negative number, the indexed REC counterparty
4 shall owe the seller the absolute value multiplied
5 by the quantity of energy produced in the relevant
6 settlement period. If this difference results in a
7 positive number, the seller shall owe the indexed
8 REC counterparty this amount multiplied by the
9 quantity of energy produced in the relevant
10 settlement period.

11 (2) Parties shall cash settle every month,
12 summing up all settlements (both positive and
13 negative, if applicable) for the prior month.

14 (3) To ensure funding in the annual budget
15 established under subparagraph (E) for indexed
16 renewable energy credit procurements for each year
17 of the term of such contracts, which must have a
18 minimum tenure of 20 calendar years, the
19 procurement administrator, Agency, Commission
20 staff, and procurement monitor shall quantify the
21 annual cost of the contract by utilizing an
22 industry-standard, third-party forward price curve
23 for energy at the appropriate hub or load zone,
24 including the estimated magnitude and timing of
25 the price effects related to federal carbon
26 controls. Each forward price curve shall contain a

1 specific value of the forecasted market price of
2 electricity for each annual delivery year of the
3 contract. For procurement planning purposes, the
4 impact on the annual budget for the cost of
5 indexed renewable energy credits for each delivery
6 year shall be determined as the expected annual
7 contract expenditure for that year, equaling the
8 difference between (i) the sum across all relevant
9 contracts of the applicable strike price
10 multiplied by contract quantity and (ii) the sum
11 across all relevant contracts of the forward price
12 curve for the applicable load zone for that year
13 multiplied by contract quantity. The contracting
14 utility shall not assume an obligation in excess
15 of the estimated annual cost of the contracts for
16 indexed renewable energy credits. Forward curves
17 shall be revised on an annual basis as updated
18 forward price curves are released and filed with
19 the Commission in the proceeding approving the
20 Agency's most recent long-term renewable resources
21 procurement plan. If the expected contract spend
22 is higher or lower than the total quantity of
23 contracts multiplied by the forward price curve
24 value for that year, the forward price curve shall
25 be updated by the procurement administrator, in
26 consultation with the Agency, Commission staff,

1 and procurement monitors, using then-currently
2 available price forecast data and additional
3 budget dollars shall be obligated or reobligated
4 as appropriate.

5 (4) To ensure that indexed renewable energy
6 credit prices remain predictable and affordable,
7 the Agency may consider the institution of a price
8 collar on REC prices paid under indexed renewable
9 energy credit procurements establishing floor and
10 ceiling REC prices applicable to indexed REC
11 contract prices. Any price collars applicable to
12 indexed REC procurements shall be proposed by the
13 Agency through its long-term renewable resources
14 procurement plan.

15 (vi) ~~(v)~~ All procurements under this subparagraph
16 (G) shall comply with the geographic requirements in
17 subparagraph (I) of this paragraph (1) and shall
18 follow the procurement processes and procedures
19 described in this Section and Section 16-111.5 of the
20 Public Utilities Act to the extent practicable, and
21 these processes and procedures may be expedited to
22 accommodate the schedule established by this
23 subparagraph (G).

24 (H) The procurement of renewable energy resources for
25 a given delivery year shall be reduced as described in
26 this subparagraph (H) if an alternative retail electric

1 supplier meets the requirements described in this
2 subparagraph (H).

3 (i) Within 45 days after June 1, 2017 (the
4 effective date of Public Act 99-906), an alternative
5 retail electric supplier or its successor shall submit
6 an informational filing to the Illinois Commerce
7 Commission certifying that, as of December 31, 2015,
8 the alternative retail electric supplier owned one or
9 more electric generating facilities that generates
10 renewable energy resources as defined in Section 1-10
11 of this Act, provided that such facilities are not
12 powered by wind or photovoltaics, and the facilities
13 generate one renewable energy credit for each
14 megawatthour of energy produced from the facility.

15 The informational filing shall identify each
16 facility that was eligible to satisfy the alternative
17 retail electric supplier's obligations under Section
18 16-115D of the Public Utilities Act as described in
19 this item (i).

20 (ii) For a given delivery year, the alternative
21 retail electric supplier may elect to supply its
22 retail customers with renewable energy credits from
23 the facility or facilities described in item (i) of
24 this subparagraph (H) that continue to be owned by the
25 alternative retail electric supplier.

26 (iii) The alternative retail electric supplier

1 shall notify the Agency and the applicable utility, no
2 later than February 28 of the year preceding the
3 applicable delivery year or 15 days after June 1, 2017
4 (the effective date of Public Act 99-906), whichever
5 is later, of its election under item (ii) of this
6 subparagraph (H) to supply renewable energy credits to
7 retail customers of the utility. Such election shall
8 identify the amount of renewable energy credits to be
9 supplied by the alternative retail electric supplier
10 to the utility's retail customers and the source of
11 the renewable energy credits identified in the
12 informational filing as described in item (i) of this
13 subparagraph (H), subject to the following
14 limitations:

15 For the delivery year beginning June 1, 2018,
16 the maximum amount of renewable energy credits to
17 be supplied by an alternative retail electric
18 supplier under this subparagraph (H) shall be 68%
19 multiplied by 25% multiplied by 14.5% multiplied
20 by the amount of metered electricity
21 (megawatt-hours) delivered by the alternative
22 retail electric supplier to Illinois retail
23 customers during the delivery year ending May 31,
24 2016.

25 For delivery years beginning June 1, 2019 and
26 each year thereafter, the maximum amount of

1 renewable energy credits to be supplied by an
2 alternative retail electric supplier under this
3 subparagraph (H) shall be 68% multiplied by 50%
4 multiplied by 16% multiplied by the amount of
5 metered electricity (megawatt-hours) delivered by
6 the alternative retail electric supplier to
7 Illinois retail customers during the delivery year
8 ending May 31, 2016, provided that the 16% value
9 shall increase by 1.5% each delivery year
10 thereafter to 25% by the delivery year beginning
11 June 1, 2025, and thereafter the 25% value shall
12 apply to each delivery year.

13 For each delivery year, the total amount of
14 renewable energy credits supplied by all alternative
15 retail electric suppliers under this subparagraph (H)
16 shall not exceed 9% of the Illinois target renewable
17 energy credit quantity. The Illinois target renewable
18 energy credit quantity for the delivery year beginning
19 June 1, 2018 is 14.5% multiplied by the total amount of
20 metered electricity (megawatt-hours) delivered in the
21 delivery year immediately preceding that delivery
22 year, provided that the 14.5% shall increase by 1.5%
23 each delivery year thereafter to 25% by the delivery
24 year beginning June 1, 2025, and thereafter the 25%
25 value shall apply to each delivery year.

26 If the requirements set forth in items (i) through

1 (iii) of this subparagraph (H) are met, the charges
2 that would otherwise be applicable to the retail
3 customers of the alternative retail electric supplier
4 under paragraph (6) of this subsection (c) for the
5 applicable delivery year shall be reduced by the ratio
6 of the quantity of renewable energy credits supplied
7 by the alternative retail electric supplier compared
8 to that supplier's target renewable energy credit
9 quantity. The supplier's target renewable energy
10 credit quantity for the delivery year beginning June
11 1, 2018 is 14.5% multiplied by the total amount of
12 metered electricity (megawatt-hours) delivered by the
13 alternative retail supplier in that delivery year,
14 provided that the 14.5% shall increase by 1.5% each
15 delivery year thereafter to 25% by the delivery year
16 beginning June 1, 2025, and thereafter the 25% value
17 shall apply to each delivery year.

18 On or before April 1 of each year, the Agency shall
19 annually publish a report on its website that
20 identifies the aggregate amount of renewable energy
21 credits supplied by alternative retail electric
22 suppliers under this subparagraph (H).

23 (I) The Agency shall design its long-term renewable
24 energy procurement plan to maximize the State's interest
25 in the health, safety, and welfare of its residents,
26 including but not limited to minimizing sulfur dioxide,

1 nitrogen oxide, particulate matter and other pollution
2 that adversely affects public health in this State,
3 increasing fuel and resource diversity in this State,
4 enhancing the reliability and resiliency of the
5 electricity distribution system in this State, meeting
6 goals to limit carbon dioxide emissions under federal or
7 State law, and contributing to a cleaner and healthier
8 environment for the citizens of this State. In order to
9 further these legislative purposes, renewable energy
10 credits shall be eligible to be counted toward the
11 renewable energy requirements of this subsection (c) if
12 they are generated from facilities located in this State.
13 The Agency may qualify renewable energy credits from
14 facilities located in states adjacent to Illinois or
15 renewable energy credits associated with the electricity
16 generated by a utility-scale wind energy facility or
17 utility-scale photovoltaic facility and transmitted by a
18 qualifying direct current project described in subsection
19 (b-5) of Section 8-406 of the Public Utilities Act to a
20 delivery point on the electric transmission grid located
21 in this State or a state adjacent to Illinois, if the
22 generator demonstrates and the Agency determines that the
23 operation of such facility or facilities will help promote
24 the State's interest in the health, safety, and welfare of
25 its residents based on the public interest criteria
26 described above. For the purposes of this Section,

1 renewable resources that are delivered via a high voltage
2 direct current converter station located in Illinois shall
3 be deemed generated in Illinois at the time and location
4 the energy is converted to alternating current by the high
5 voltage direct current converter station if the high
6 voltage direct current transmission line: (i) was
7 constructed with a project labor agreement; (ii) is
8 capable of transmitting electricity at 525kv; (iii) has an
9 Illinois converter station located and interconnected in
10 the region of the PJM Interconnection, LLC; (iv) does not
11 operate as a public utility; and (v) if the high voltage
12 direct current transmission line was energized after June
13 1, 2023. To ensure that the public interest criteria are
14 applied to the procurement and given full effect, the
15 Agency's long-term procurement plan shall describe in
16 detail how each public interest factor shall be considered
17 and weighted for facilities located in states adjacent to
18 Illinois.

19 (J) In order to promote the competitive development of
20 renewable energy resources in furtherance of the State's
21 interest in the health, safety, and welfare of its
22 residents, renewable energy credits shall not be eligible
23 to be counted toward the renewable energy requirements of
24 this subsection (c) if they are sourced from a generating
25 unit whose costs were being recovered through rates
26 regulated by this State or any other state or states on or

1 after January 1, 2017. Each contract executed to purchase
2 renewable energy credits under this subsection (c) shall
3 provide for the contract's termination if the costs of the
4 generating unit supplying the renewable energy credits
5 subsequently begin to be recovered through rates regulated
6 by this State or any other state or states; and each
7 contract shall further provide that, in that event, the
8 supplier of the credits must return 110% of all payments
9 received under the contract. Amounts returned under the
10 requirements of this subparagraph (J) shall be retained by
11 the utility and all of these amounts shall be used for the
12 procurement of additional renewable energy credits from
13 new wind or new photovoltaic resources as defined in this
14 subsection (c). The long-term plan shall provide that
15 these renewable energy credits shall be procured in the
16 next procurement event.

17 Notwithstanding the limitations of this subparagraph
18 (J), renewable energy credits sourced from generating
19 units that are constructed, purchased, owned, or leased by
20 an electric utility as part of an approved project,
21 program, or pilot under Section 1-56 of this Act shall be
22 eligible to be counted toward the renewable energy
23 requirements of this subsection (c), regardless of how the
24 costs of these units are recovered. As long as a
25 generating unit or an identifiable portion of a generating
26 unit has not had and does not have its costs recovered

1 through rates regulated by this State or any other state,
2 HVDC renewable energy credits associated with that
3 generating unit or identifiable portion thereof shall be
4 eligible to be counted toward the renewable energy
5 requirements of this subsection (c).

6 (K) The long-term renewable resources procurement plan
7 developed by the Agency in accordance with subparagraph
8 (A) of this paragraph (1) shall include an Adjustable
9 Block program for the procurement of renewable energy
10 credits from new photovoltaic projects that are
11 distributed renewable energy generation devices or new
12 photovoltaic community renewable generation projects. The
13 Adjustable Block program shall be generally designed to
14 provide for the steady, predictable, and sustainable
15 growth of new solar photovoltaic development in Illinois.
16 To this end, the Adjustable Block program shall provide a
17 transparent annual schedule of prices and quantities to
18 enable the photovoltaic market to scale up and for
19 renewable energy credit prices to adjust at a predictable
20 rate over time. The prices set by the Adjustable Block
21 program can be reflected as a set value or as the product
22 of a formula.

23 The Adjustable Block program shall include for each
24 category of eligible projects for each delivery year: a
25 single block of nameplate capacity, a price for renewable
26 energy credits within that block, and the terms and

1 conditions for securing a spot on a waitlist once the
2 block is ~~: a schedule of standard block purchase prices to~~
3 ~~be offered; a series of steps, with associated nameplate~~
4 ~~capacity and purchase prices that adjust from step to~~
5 ~~step; and automatic opening of the next step as soon as the~~
6 ~~nameplate capacity and available purchase prices for an~~
7 ~~open step~~ are fully committed or reserved. Except as
8 outlined below, the waitlist of projects in a given year
9 will carry over to apply to the subsequent year when
10 another block is opened. Only projects energized on or
11 after June 1, 2017 shall be eligible for the Adjustable
12 Block program. For each category for each delivery year
13 ~~block group~~ the Agency shall determine ~~the number of~~
14 ~~blocks,~~ the amount of generation capacity in each block,
15 and the purchase price for each block, provided that the
16 purchase price provided and the total amount of generation
17 in all blocks for all categories ~~block groups~~ shall be
18 sufficient to meet the goals in this subsection (c). The
19 Agency shall strive to issue a single block sized to
20 provide for stability and market growth. The Agency shall
21 establish program eligibility requirements that ensure
22 that projects that enter the program are sufficiently
23 mature to indicate a demonstrable path to completion. The
24 Agency may periodically review its prior decisions
25 establishing ~~the number of blocks,~~ the amount of
26 generation capacity in each block, and the purchase price

1 for each block, and may propose, on an expedited basis,
2 changes to these previously set values, including but not
3 limited to redistributing these amounts and the available
4 funds as necessary and appropriate, subject to Commission
5 approval as part of the periodic plan revision process
6 described in Section 16-111.5 of the Public Utilities Act.
7 The Agency may define different block sizes, purchase
8 prices, or other distinct terms and conditions for
9 projects located in different utility service territories
10 if the Agency deems it necessary to meet the goals in this
11 subsection (c).

12 The Adjustable Block program shall include ~~at least~~
13 the following categories ~~block groups~~ in at least the
14 following amounts, ~~which may be adjusted upon review by~~
15 ~~the Agency and approval by the Commission as described in~~
16 ~~this subparagraph (K):~~

17 (i) At least 20% ~~25%~~ from distributed renewable
18 energy generation devices with a nameplate capacity of
19 no more than 25 ~~10~~ kilowatts.

20 (ii) At least 20% ~~25%~~ from distributed renewable
21 energy generation devices with a nameplate capacity of
22 more than 25 ~~10~~ kilowatts and no more than 5,000 ~~2,000~~
23 kilowatts. The Agency may create sub-categories within
24 this category to account for the differences between
25 projects for small commercial customers, large
26 commercial customers, and public or non-profit

1 customers.

2 (iii) At least 30% ~~25%~~ from photovoltaic community
3 renewable generation projects. Capacity for this
4 category for the first 2 delivery years after the
5 effective date of this amendatory Act of the 102nd
6 General Assembly shall be allocated to waitlist
7 projects as provided in paragraph (3) of item (iv) of
8 subparagraph (G). Starting in the third delivery year
9 after the effective date of this amendatory Act of the
10 102nd General Assembly or earlier if the Agency
11 determines there is additional capacity needed for to
12 meet previous delivery year requirements, the
13 following shall apply:

14 (1) the Agency shall select projects on a
15 first-come, first-serve basis, however the Agency
16 may suggest additional methods to prioritize
17 projects that are submitted at the same time;

18 (2) projects shall have subscriptions of 25 kW
19 or less for at least 50% of the facility's
20 nameplate capacity and the Agency shall price the
21 renewable energy credits with that as a factor;

22 (3) projects shall not be colocated with one
23 or more other community renewable generation
24 projects, as defined in the Agency's first revised
25 long-term renewable resources procurement plan
26 approved by the Commission on February 18, 2020,

1 such that the aggregate nameplate capacity exceeds
2 5,000 kilowatts; and

3 (4) projects greater than 2 MW may not apply
4 until after the approval of the Agency's revised
5 Long-Term Renewable Resources Procurement Plan
6 after the effective date of this amendatory Act of
7 the 102nd General Assembly.

8 (iv) At least 15% from distributed renewable
9 generation devices or photovoltaic community renewable
10 generation projects installed at public schools. The
11 Agency may create subcategories within this category
12 to account for the differences between project size or
13 location. Projects located within environmental
14 justice communities or within Organizational Units
15 that fall within Tier 1 or Tier 2 shall be given
16 priority. Each of the Agency's periodic updates to its
17 long-term renewable resources procurement plan to
18 incorporate the procurement described in this
19 subparagraph (iv) shall also include the proposed
20 quantities or blocks, pricing, and contract terms
21 applicable to the procurement as indicated herein. In
22 each such update and procurement, the Agency shall set
23 the renewable energy credit price and establish
24 payment terms for the renewable energy credits
25 procured pursuant to this subparagraph (iv) that make
26 it feasible and affordable for public schools to

1 install photovoltaic distributed renewable energy
2 devices on their premises, including, but not limited
3 to, those public schools subject to the prioritization
4 provisions of this subparagraph. For the purposes of
5 this item (iv):

6 "Environmental Justice Community" shall have the
7 same meaning set forth in the Agency's long-term
8 renewable resources procurement plan;

9 "Organization Unit", "Tier 1" and "Tier 2" shall
10 have the meanings set for in Section 18-8.15 of the
11 School Code;

12 "Public schools" shall have the meaning set forth
13 in Section 1-3 of the School Code.

14 (v) At least 5% from community-driven community
15 solar projects intended to provide more direct and
16 tangible connection and benefits to the communities
17 which they serve or in which they operate and,
18 additionally, to increase the variety of community
19 solar locations, models, and options in Illinois. As
20 part of its long-term renewable resources procurement
21 plan, the Agency shall develop selection criteria for
22 projects participating in this category. Nothing in
23 this Section shall preclude the Agency from creating a
24 selection process that maximizes community ownership
25 and community benefits in selecting projects to
26 receive renewable energy credits. Selection criteria

1 shall include:

2 (1) community ownership or community
3 wealth-building;

4 (2) additional direct and indirect community
5 benefit, beyond project participation as a
6 subscriber, including, but not limited to,
7 economic, environmental, social, cultural, and
8 physical benefits;

9 (3) meaningful involvement in project
10 organization and development by community members
11 or nonprofit organizations or public entities
12 located in or serving the community;

13 (4) engagement in project operations and
14 management by nonprofit organizations, public
15 entities, or community members; and

16 (5) whether a project is developed in response
17 to a site-specific RFP developed by community
18 members or a nonprofit organization or public
19 entity located in or serving the community.

20 Selection criteria may also prioritize projects

21 that:

22 (1) are developed in collaboration with or to
23 provide complementary opportunities for the Clean
24 Jobs Workforce Network Program, the Illinois
25 Climate Works Preapprenticeship Program, the
26 Returning Residents Clean Jobs Training Program,

1 the Clean Energy Contractor Incubator Program, or
2 the Clean Energy Primes Contractor Accelerator
3 Program;

4 (2) increase the diversity of locations of
5 community solar projects in Illinois, including by
6 locating in urban areas and population centers;

7 (3) are located in Equity Investment Eligible
8 Communities;

9 (4) are not greenfield projects;

10 (5) serve only local subscribers;

11 (6) have a nameplate capacity that does not
12 exceed 500 kW;

13 (7) are Equitable Energy Future Certified or
14 developed by an equity eligible contractor; or

15 (8) otherwise meaningfully advance the goals
16 of providing more direct and tangible connection
17 and benefits to the communities which they serve
18 or in which they operate and increasing the
19 variety of community solar locations, models, and
20 options in Illinois.

21 For the purposes of this item (v):

22 "Community" means a social unit in which people
23 come together regularly to effect change; a social
24 unit in which participants are marked by a cooperative
25 spirit, a common purpose, or shared interests or
26 characteristics; or a space understood by its

1 residents to be delineated through geographic
2 boundaries or landmarks.

3 "Community benefit" means a range of services and
4 activities that provide affirmative, economic,
5 environmental, social, cultural, or physical value to
6 a community; or a mechanism that enables economic
7 development, high-quality employment, and education
8 opportunities for local workers and residents, or
9 formal monitoring and oversight structures such that
10 community members may ensure that those services and
11 activities respond to local knowledge and needs.

12 "Community ownership" means an arrangement in
13 which an electric generating facility is, or over time
14 will be, in significant part, owned collectively by
15 members of the community to which an electric
16 generating facility provides benefits; members of that
17 community participate in decisions regarding the
18 governance, operation, maintenance, and upgrades of
19 and to that facility; and members of that community
20 benefit from regular use of that facility.

21 Terms and guidance within these criteria that are
22 not defined in this item (v) shall be defined by the
23 Agency, with stakeholder input, during the development
24 of the Agency's long-term renewable resources
25 procurement plan. The Agency shall develop regular
26 opportunities for projects to submit applications for

1 projects under this category, and develop selection
2 criteria that gives preference to projects that better
3 meet individual criteria as well as projects that
4 address a higher number of criteria.

5 (vi) At least 10% from distributed renewable
6 energy generation devices, which includes distributed
7 renewable energy devices with a nameplate capacity
8 under 5,000 kilowatts or photovoltaic community
9 renewable generation projects, from applicants that
10 are equity eligible contractors. The Agency may create
11 subcategories within this category to account for the
12 differences between project size and type. The Agency
13 shall propose to increase the percentage in this item
14 (vi) over time to 40% based on factors, including, but
15 not limited to, the number of equity eligible
16 contractors and capacity used in this item (vi) in
17 previous delivery years. Applicants that have
18 Equitable Energy Future Certifications are not
19 eligible for this block, including if the block's
20 percentage increases.

21 The Agency shall propose a payment structure for
22 contracts executed pursuant to this paragraph under
23 which, upon a demonstration of qualification or need,
24 applicant firms are advanced capital disbursed after
25 contract execution but before the contracted project's
26 energization. The amount or percentage of capital

1 advanced prior to project energization shall be
2 sufficient to both cover any increase in development
3 costs resulting from prevailing wage requirements or
4 project-labor agreements, and designed to overcome
5 barriers in access to capital faced by Equity Eligible
6 Contractors. The amount or percentage of advanced
7 capital may vary by subcategory within this category
8 and by an applicant's demonstration of need, with such
9 levels to be established through the Long-Term
10 Renewable Resources Procurement Plan authorized under
11 subparagraph (A) of paragraph (1) of subsection (c) of
12 this Section.

13 Contracts developed featuring capital advanced
14 prior to a project's energization shall feature
15 provisions to ensure both the successful development
16 of applicant projects and the delivery of the
17 renewable energy credits for the full term of the
18 contract, including ongoing collateral requirements
19 and other provisions deemed necessary by the Agency,
20 and may include energization timelines longer than for
21 comparable project types. The percentage or amount of
22 capital advanced prior to project energization shall
23 not operate to increase the overall contract value,
24 however contracts executed under this subparagraph may
25 feature renewable energy credit prices higher than
26 those offered to similar projects participating in

1 other categories. Capital advanced prior to
2 energization shall serve to reduce the ratable
3 payments made after energization under items (ii) and
4 (iii) of subparagraph (L) or payments made for each
5 renewable energy credit delivery under item (iv) of
6 subparagraph (L).

7 (vii) ~~(iv)~~ The remaining capacity 25% shall be
8 allocated as specified by the Agency in order to
9 respond to market demand the long term renewable
10 resources procurement plan. The Agency shall allocate
11 any discretionary capacity prior to the beginning of
12 each delivery year.

13 To the extent there is uncontracted capacity from any
14 block in any of categories (i) through (vi) at the end of a
15 delivery year, the Agency shall redistribute that capacity
16 to one or more other categories giving priority to
17 categories with projects on a waitlist. The redistributed
18 capacity shall be added to the annual capacity in the
19 subsequent delivery year, and the price for renewable
20 energy credits shall be the price for the new delivery
21 year. Redistributed capacity shall not be considered
22 redistributed when determining whether the goals in this
23 subsection (K) have been met.

24 Notwithstanding anything to the contrary, as the
25 Agency increases the capacity in item (vi) to 40% over
26 time, the Agency may reduce the capacity of items (i)

1 through (v) proportionate to the capacity of the
2 categories of projects in item (vi), to achieve a balance
3 of project types.

4 The Adjustable Block program shall be designed to
5 ensure that renewable energy credits are procured from
6 ~~photovoltaic distributed renewable energy generation~~
7 ~~devices and new photovoltaic community renewable energy~~
8 ~~generation~~ projects in diverse locations and are not
9 concentrated in a few regional geographic areas.

10 (L) Notwithstanding provisions for advancing capital
11 prior to project energization found in item (vi) of
12 subparagraph (K), the ~~The~~ procurement of photovoltaic
13 renewable energy credits under items (i) through (vi) ~~(iv)~~
14 of subparagraph (K) of this paragraph (1) shall otherwise
15 be subject to the following contract and payment terms:

16 (i) (Blank). ~~The Agency shall procure contracts of at~~
17 ~~least 15 years in length.~~

18 (ii) For those renewable energy credits that
19 qualify and are procured under item (i) of
20 subparagraph (K) of this paragraph (1), and any
21 similar category projects that are procured under item
22 (vi) of subparagraph (K) of this paragraph (1) that
23 qualify and are procured under item (vi), the contract
24 length shall be 15 years. The renewable energy credit
25 delivery contract value ~~purchase price~~ shall be paid
26 in full, based on the estimated generation during the

1 first 15 years of operation, by the contracting
2 utilities at the time that the facility producing the
3 renewable energy credits is interconnected at the
4 distribution system level of the utility and verified
5 as energized and compliant by the Program
6 Administrator energized. The electric utility shall
7 receive and retire all renewable energy credits
8 generated by the project for the first 15 years of
9 operation. Renewable energy credits generated by the
10 project thereafter shall not be transferred under the
11 renewable energy credit delivery contract with the
12 counterparty electric utility.

13 (iii) For those renewable energy credits that
14 qualify and are procured under item (ii) and (v) ~~(iii)~~
15 of subparagraph (K) of this paragraph (1) and any like
16 projects similar category that qualify and are
17 procured under item (vi), the contract length shall be
18 15 years. 15% any additional categories of distributed
19 generation included in the long term renewable
20 resources procurement plan and approved by the
21 Commission, 20 percent of the renewable energy credit
22 delivery contract value, based on the estimated
23 generation during the first 15 years of operation,
24 ~~purchase price~~ shall be paid by the contracting
25 utilities at the time that the facility producing the
26 renewable energy credits is interconnected at the

1 distribution system level of the utility and verified
2 as energized and compliant by the Program
3 Administrator. The remaining portion shall be paid
4 ratably over the subsequent 6-year ~~4-year~~ period. The
5 electric utility shall receive and retire all
6 renewable energy credits generated by the project for
7 the first 15 years of operation. Renewable energy
8 credits generated by the project thereafter shall not
9 be transferred under the renewable energy credit
10 delivery contract with the counterparty electric
11 utility.

12 (iv) For those renewable energy credits that
13 qualify and are procured under items (iii) and (iv) of
14 subparagraph (K) of this paragraph (1), and any like
15 projects that qualify and are procured under item
16 (vi), the renewable energy credit delivery contract
17 length shall be 20 years and shall be paid over the
18 delivery term, not to exceed during each delivery year
19 the contract price multiplied by the estimated annual
20 renewable energy credit generation amount. If
21 generation of renewable energy credits during a
22 delivery year exceeds the estimated annual generation
23 amount, the excess renewable energy credits shall be
24 carried forward to future delivery years and shall not
25 expire during the delivery term. If generation of
26 renewable energy credits during a delivery year,

1 including carried forward excess renewable energy
2 credits, if any, is less than the estimated annual
3 generation amount, payments during such delivery year
4 will not exceed the quantity generated plus the
5 quantity carried forward multiplied by the contract
6 price. The electric utility shall receive all
7 renewable energy credits generated by the project
8 during the first 20 years of operation and retire all
9 renewable energy credits paid for under this item (iv)
10 and return at the end of the delivery term all
11 renewable energy credits that were not paid for.
12 Renewable energy credits generated by the project
13 thereafter shall not be transferred under the
14 renewable energy credit delivery contract with the
15 counterparty electric utility. Notwithstanding the
16 preceding, for those projects participating under item
17 (iii) of subparagraph (K), the contract price for a
18 delivery year shall be based on subscription levels as
19 measured on the higher of the first business day of the
20 delivery year or the first business day 6 months after
21 the first business day of the delivery year.
22 Subscription of 90% of nameplate capacity or greater
23 shall be deemed to be fully subscribed for the
24 purposes of this item (iv). For projects receiving a
25 20-year delivery contract, REC prices shall be
26 adjusted downward for consistency with the incentive

1 levels previously determined to be necessary to
2 support projects under 15-year delivery contracts,
3 taking into consideration any additional new
4 requirements placed on the projects, including, but
5 not limited to, labor standards.

6 (v) ~~(iv)~~ Each contract shall include provisions to
7 ensure the delivery of the estimated quantity of
8 renewable energy credits and ongoing collateral
9 requirements and other provisions deemed appropriate
10 by the Agency ~~for the full term of the contract.~~

11 (vi) ~~(v)~~ The utility shall be the counterparty to
12 the contracts executed under this subparagraph (L)
13 that are approved by the Commission under the process
14 described in Section 16-111.5 of the Public Utilities
15 Act. No contract shall be executed for an amount that
16 is less than one renewable energy credit per year.

17 (vii) ~~(vi)~~ If, at any time, approved applications
18 for the Adjustable Block program exceed funds
19 collected by the electric utility or would cause the
20 Agency to exceed the limitation described in
21 subparagraph (E) of this paragraph (1) on the amount
22 of renewable energy resources that may be procured,
23 then the Agency may ~~shall~~ consider future uncommitted
24 funds to be reserved for these contracts on a
25 first-come, first-served basis, ~~with the delivery of~~
26 ~~renewable energy credits required beginning at the~~

1 ~~time that the reserved funds become available.~~

2 (viii) ~~(vii)~~ Nothing in this Section shall require
3 the utility to advance any payment or pay any amounts
4 that exceed the actual amount of revenues anticipated
5 to be collected by the utility under paragraph (6) of
6 this subsection (c) and subsection (k) of Section
7 16-108 of the Public Utilities Act inclusive of
8 eligible funds collected in prior years and
9 alternative compliance payments for use by the
10 utility, and contracts executed under this Section
11 shall expressly incorporate this limitation.

12 (ix) Notwithstanding other requirements of this
13 subparagraph (L), no modification shall be required to
14 Adjustable Block program contracts if they were
15 already executed prior to the establishment, approval,
16 and implementation of new contract forms as a result
17 of this amendatory Act of the 102nd General Assembly.

18 (x) Contracts may be assignable, but only to
19 entities first deemed by the Agency to have met
20 program terms and requirements applicable to direct
21 program participation. In developing contracts for the
22 delivery of renewable energy credits, the Agency shall
23 be permitted to establish fees applicable to each
24 contract assignment.

25 (M) The Agency shall be authorized to retain one or
26 more experts or expert consulting firms to develop,

1 administer, implement, operate, and evaluate the
2 Adjustable Block program described in subparagraph (K) of
3 this paragraph (1), and the Agency shall retain the
4 consultant or consultants in the same manner, to the
5 extent practicable, as the Agency retains others to
6 administer provisions of this Act, including, but not
7 limited to, the procurement administrator. The selection
8 of experts and expert consulting firms and the procurement
9 process described in this subparagraph (M) are exempt from
10 the requirements of Section 20-10 of the Illinois
11 Procurement Code, under Section 20-10 of that Code. The
12 Agency shall strive to minimize administrative expenses in
13 the implementation of the Adjustable Block program.

14 The Program Administrator may charge application fees
15 to participating firms to cover the cost of program
16 administration. Any application fee amounts shall
17 initially be determined through the long-term renewable
18 resources procurement plan, and modifications to any
19 application fee that deviate more than 25% from the
20 Commission's approved value must be approved by the
21 Commission as a long-term plan revision under Section
22 16-111.5 of the Public Utilities Act. The Agency shall
23 consider stakeholder feedback when making adjustments to
24 application fees and shall notify stakeholders in advance
25 of any planned changes.

26 In addition to covering the costs of program

1 administration, the Agency, in conjunction with its
2 Program Administrator, may also use the proceeds of such
3 fees charged to participating firms to support public
4 education and ongoing regional and national coordination
5 with nonprofit organizations, public bodies, and others
6 engaged in the implementation of renewable energy
7 incentive programs or similar initiatives. This work may
8 include developing papers and reports, hosting regional
9 and national conferences, and other work deemed necessary
10 by the Agency to position the State of Illinois as a
11 national leader in renewable energy incentive program
12 development and administration.

13 The Agency and its consultant or consultants shall
14 monitor block activity, share program activity with
15 stakeholders and conduct quarterly ~~regularly scheduled~~
16 meetings to discuss program activity and market
17 conditions. If necessary, the Agency may make prospective
18 administrative adjustments to the Adjustable Block program
19 design, such as ~~redistributing available funds or~~ making
20 adjustments to purchase prices as necessary to achieve the
21 goals of this subsection (c). Program modifications to any
22 block price, capacity block, or other program element that
23 do not deviate from the Commission's approved value by
24 more than 10% ~~25%~~ shall take effect immediately and are
25 not subject to Commission review and approval. Program
26 modifications to any block price, capacity block, or other

1 ~~program element~~ that deviate more than 10% ~~25%~~ from the
2 Commission's approved value must be approved by the
3 Commission as a long-term plan amendment under Section
4 16-111.5 of the Public Utilities Act. The Agency shall
5 consider stakeholder feedback when making adjustments to
6 the Adjustable Block design and shall notify stakeholders
7 in advance of any planned changes.

8 The Agency and its program administrators for both the
9 Adjustable Block program and the Illinois Solar for All
10 Program, consistent with the requirements of this
11 subsection (c) and subsection (b) of Section 1-56 of this
12 Act, shall propose the Adjustable Block program terms,
13 conditions, and requirements, including the prices to be
14 paid for renewable energy credits, where applicable, and
15 requirements applicable to participating entities and
16 project applications, through the development, review, and
17 approval of the Agency's long-term renewable resources
18 procurement plan described in this subsection (c) and
19 paragraph (5) of subsection (b) of Section 16-111.5 of the
20 Public Utilities Act. Terms, conditions, and requirements
21 for program participation shall include the following:

22 (i) The Agency shall establish a registration
23 process for entities seeking to qualify for
24 program-administered incentive funding and establish
25 baseline qualifications for vendor approval. The
26 Agency must maintain a list of approved entities on

1 each program's website, and may revoke a vendor's
2 ability to receive program-administered incentive
3 funding status upon a determination that the vendor
4 failed to comply with contract terms, the law, or
5 other program requirements.

6 (ii) The Agency shall establish program
7 requirements and minimum contract terms to ensure
8 projects are properly installed and produce their
9 expected amounts of energy. Program requirements may
10 include on-site inspections and photo documentation of
11 projects under construction. The Agency may require
12 repairs, alterations, or additions to remedy any
13 material deficiencies discovered. Vendors who have a
14 disproportionately high number of deficient systems
15 may lose their eligibility to continue to receive
16 State-administered incentive funding through Agency
17 programs and procurements.

18 (iii) To discourage deceptive marketing or other
19 bad faith business practices, the Agency may require
20 direct program participants, including agents
21 operating on their behalf, to provide standardized
22 disclosures to a customer prior to that customer's
23 execution of a contract for the development of a
24 distributed generation system or a subscription to a
25 community solar project.

26 (iv) The Agency shall establish one or multiple

1 Consumer Complaints Centers to accept complaints
2 regarding businesses that participate in, or otherwise
3 benefit from, State-administered incentive funding
4 through Agency-administered programs. The Agency shall
5 maintain a public database of complaints with any
6 confidential or particularly sensitive information
7 redacted from public entries.

8 (v) Through a filing in the proceeding for the
9 approval of its long-term renewable energy resources
10 procurement plan, the Agency shall provide an annual
11 written report to the Illinois Commerce Commission
12 documenting the frequency and nature of complaints and
13 any enforcement actions taken in response to those
14 complaints.

15 (vi) The Agency shall schedule regular meetings
16 with representatives of the Office of the Attorney
17 General, the Illinois Commerce Commission, consumer
18 protection groups, and other interested stakeholders
19 to share relevant information about consumer
20 protection, project compliance, and complaints
21 received.

22 (vii) To the extent that complaints received
23 implicate the jurisdiction of the Office of the
24 Attorney General, the Illinois Commerce Commission, or
25 local, State, or federal law enforcement, the Agency
26 shall also refer complaints to those entities as

1 appropriate.

2 (N) ~~The long-term renewable resources procurement plan~~
3 ~~required by this subsection (c) shall include a community~~
4 ~~renewable generation program.~~ The Agency shall establish
5 the terms, conditions, and program requirements for
6 photovoltaic community renewable generation projects with
7 a goal to expand ~~renewable energy generating facility~~
8 access to a broader group of energy consumers, to ensure
9 robust participation opportunities for residential and
10 small commercial customers and those who cannot install
11 renewable energy on their own properties. Subject to
12 reasonable limitations, any ~~Any~~ plan approved by the
13 Commission shall allow subscriptions to community
14 renewable generation projects to be portable and
15 transferable. For purposes of this subparagraph (N),
16 "portable" means that subscriptions may be retained by the
17 subscriber even if the subscriber relocates or changes its
18 address within the same utility service territory; and
19 "transferable" means that a subscriber may assign or sell
20 subscriptions to another person within the same utility
21 service territory.

22 Through the development of its long-term renewable
23 resources procurement plan, the Agency may consider
24 whether community renewable generation projects utilizing
25 technologies other than photovoltaics should be supported
26 through State-administered incentive funding, and may

1 issue requests for information to gauge market demand.

2 Electric utilities shall provide a monetary credit to
3 a subscriber's subsequent bill for service for the
4 proportional output of a community renewable generation
5 project attributable to that subscriber as specified in
6 Section 16-107.5 of the Public Utilities Act.

7 The Agency shall purchase renewable energy credits
8 from subscribed shares of photovoltaic community renewable
9 generation projects through the Adjustable Block program
10 described in subparagraph (K) of this paragraph (1) or
11 through the Illinois Solar for All Program described in
12 Section 1-56 of this Act. The electric utility shall
13 purchase any unsubscribed energy from community renewable
14 generation projects that are Qualifying Facilities ("QF")
15 under the electric utility's tariff for purchasing the
16 output from QFs under Public Utilities Regulatory Policies
17 Act of 1978.

18 The owners of and any subscribers to a community
19 renewable generation project shall not be considered
20 public utilities or alternative retail electricity
21 suppliers under the Public Utilities Act solely as a
22 result of their interest in or subscription to a community
23 renewable generation project and shall not be required to
24 become an alternative retail electric supplier by
25 participating in a community renewable generation project
26 with a public utility.

1 (O) For the delivery year beginning June 1, 2018, the
2 long-term renewable resources procurement plan required by
3 this subsection (c) shall provide for the Agency to
4 procure contracts to continue offering the Illinois Solar
5 for All Program described in subsection (b) of Section
6 1-56 of this Act, and the contracts approved by the
7 Commission shall be executed by the utilities that are
8 subject to this subsection (c). The long-term renewable
9 resources procurement plan shall allocate up to
10 \$50,000,000 ~~5% of the funds available under the plan for~~
11 ~~the applicable delivery year, or \$10,000,000 per delivery~~
12 ~~year, whichever is greater,~~ to fund the programs, and the
13 plan shall determine the amount of funding to be
14 apportioned to the programs identified in subsection (b)
15 of Section 1-56 of this Act; provided that for the
16 delivery years beginning June 1, 2021, June 1, 2022, and
17 June 1, 2023, the long-term renewable resources
18 procurement plan may average the annual budgets over a
19 3-year period to account for program ramp-up. For ~~for~~ the
20 delivery years beginning ~~June 1, 2017,~~ June 1, 2021, ~~and~~
21 June 1, 2024 ~~2025,~~ June 1, 2027, and June 1, 2030 and
22 additional ~~the long-term renewable resources procurement~~
23 ~~plan shall allocate 10% of the funds available under the~~
24 ~~plan for the applicable delivery year, or \$20,000,000 per~~
25 ~~delivery year, whichever is greater, and \$10,000,000 of~~
26 ~~such funds in such year shall be~~ provided to the

1 Department of Commerce and Economic Opportunity to
2 implement the workforce development programs and reporting
3 as outlined in ~~used by an electric utility that serves~~
4 ~~more than 3,000,000 retail customers in the State to~~
5 ~~implement a Commission approved plan under~~ Section
6 16-108.12 of the Public Utilities Act. In making the
7 determinations required under this subparagraph (O), the
8 Commission shall consider the experience and performance
9 under the programs and any evaluation reports. The
10 Commission shall also provide for an independent
11 evaluation of those programs on a periodic basis that are
12 funded under this subparagraph (O).

13 (P) All programs and procurements under this
14 subsection (c) shall be designed to encourage
15 participating projects to use a diverse and equitable
16 workforce and a diverse set of contractors, including
17 minority-owned businesses, disadvantaged businesses,
18 trade unions, graduates of any workforce training programs
19 administered under this Act, and small businesses.

20 The Agency shall develop a method to optimize
21 procurement of renewable energy credits from proposed
22 utility-scale projects that are located in communities
23 eligible to receive Energy Transition Community Grants
24 pursuant to Section 10-20 of the Energy Community
25 Reinvestment Act. If this requirement conflicts with other
26 provisions of law or the Agency determines that full

1 compliance with the requirements of this subparagraph (P)
2 would be unreasonably costly or administratively
3 impractical, the Agency is to propose alternative
4 approaches to achieve development of renewable energy
5 resources in communities eligible to receive Energy
6 Transition Community Grants pursuant to Section 10-20 of
7 the Energy Community Reinvestment Act or seek an exemption
8 from this requirement from the Commission.

9 (Q) Each facility listed in subitems (i) through
10 (viii) of item (1) of this subparagraph (Q) for which a
11 renewable energy credit delivery contract is signed after
12 the effective date of this amendatory Act of the 102nd
13 General Assembly is subject to the following requirements
14 through the Agency's long-term renewable resources
15 procurement plan:

16 (1) Each facility shall be subject to the
17 prevailing wage requirements included in the
18 Prevailing Wage Act. The Agency shall require
19 verification that all construction performed on the
20 facility by the renewable energy credit delivery
21 contract holder, its contractors, or its
22 subcontractors relating to construction of the
23 facility is performed by construction employees
24 receiving an amount for that work equal to or greater
25 than the general prevailing rate, as that term is
26 defined in Section 3 of the Prevailing Wage Act. For

1 purposes of this item (1), "house of worship" means
2 property that is both (1) used exclusively by a
3 religious society or body of persons as a place for
4 religious exercise or religious worship and (2)
5 recognized as exempt from taxation pursuant to Section
6 15-40 of the Property Tax Code. This item (1) shall
7 apply to any the following:

8 (i) all new utility-scale wind projects;

9 (ii) all new utility-scale photovoltaic
10 projects;

11 (iii) all new brownfield photovoltaic
12 projects;

13 (iv) all new photovoltaic community renewable
14 energy facilities that qualify for item (iii) of
15 subparagraph (K) of this paragraph (1);

16 (v) all new community driven community
17 photovoltaic projects that qualify for item (v) of
18 subparagraph (K) of this paragraph (1);

19 (vi) all new photovoltaic distributed
20 renewable energy generation devices on schools
21 that qualify for item (iv) of subparagraph (K) of
22 this paragraph (1);

23 (vii) all new photovoltaic distributed
24 renewable energy generation devices that (1)
25 qualify for item (i) of subparagraph (K) of this
26 paragraph (1); (2) are not projects that serve

1 single-family or multi-family residential
2 buildings; and (3) are not houses of worship where
3 the aggregate capacity including collocated
4 projects would not exceed 100 kilowatts;

5 (viii) all new photovoltaic distributed
6 renewable energy generation devices that (1)
7 qualify for item (ii) of subparagraph (K) of this
8 paragraph (1); (2) are not projects that serve
9 single-family or multi-family residential
10 buildings; and (3) are not houses of worship where
11 the aggregate capacity including collocated
12 projects would not exceed 100 kilowatts.

13 (2) Renewable energy credits procured from new
14 utility-scale wind projects, new utility-scale solar
15 projects, and new brownfield solar projects pursuant
16 to Agency procurement events occurring after the
17 effective date of this amendatory Act of the 102nd
18 General Assembly must be from facilities built by
19 general contractors that must enter into a project
20 labor agreement, as defined by this Act, prior to
21 construction. The project labor agreement shall be
22 filed with the Director in accordance with procedures
23 established by the Agency through its long-term
24 renewable resources procurement plan. Any information
25 submitted to the Agency in this item (2) shall be
26 considered commercially sensitive information. At a

1 minimum, the project labor agreement must provide the
2 names, addresses, and occupations of the owner of the
3 plant and the individuals representing the labor
4 organization employees participating in the project
5 labor agreement consistent with the Project Labor
6 Agreements Act. The agreement must also specify the
7 terms and conditions as defined by this Act.

8 (3) It is the intent of this Section to ensure that
9 economic development occurs across Illinois
10 communities, that emerging businesses may grow, and
11 that there is improved access to the clean energy
12 economy by persons who have greater economic burdens
13 to success. The Agency shall take into consideration
14 the unique cost of compliance of this subparagraph (Q)
15 that might be borne by equity eligible contractors,
16 shall include such costs when determining the price of
17 renewable energy credits in the Adjustable Block
18 program, and shall take such costs into consideration
19 in a nondiscriminatory manner when comparing bids for
20 competitive procurements. The Agency shall consider
21 costs associated with compliance whether in the
22 development, financing, or construction of projects.
23 The Agency shall periodically review the assumptions
24 in these costs and may adjust prices, in compliance
25 with subparagraph (M) of this paragraph (1).

26 (R) In its long-term renewable resources procurement

1 plan, the Agency shall establish a self-direct renewable
2 portfolio standard compliance program for eligible
3 self-direct customers that purchase renewable energy
4 credits from utility-scale wind and solar projects through
5 long-term agreements for purchase of renewable energy
6 credits as described in this Section. Such long-term
7 agreements may include the purchase of energy or other
8 products on a physical or financial basis and may involve
9 an alternative retail electric supplier as defined in
10 Section 16-102 of the Public Utilities Act. This program
11 shall take effect in the delivery year commencing June 1,
12 2023.

13 (1) For the purposes of this subparagraph:

14 "Eligible self-direct customer" means any retail
15 customers of an electric utility that serves 3,000,000
16 or more retail customers in the State and whose total
17 highest 30-minute demand was more than 10,000
18 kilowatts, or any retail customers of an electric
19 utility that serves less than 3,000,000 retail
20 customers but more than 500,000 retail customers in
21 the State and whose total highest 15-minute demand was
22 more than 10,000 kilowatts.

23 "Retail customer" has the meaning set forth in
24 Section 16-102 of the Public Utilities Act and
25 multiple retail customer accounts under the same
26 corporate parent may aggregate their account demands

1 to meet the 10,000 kilowatt threshold. The criteria
2 for determining whether this subparagraph is
3 applicable to a retail customer shall be based on the
4 12 consecutive billing periods prior to the start of
5 the year in which the application is filed.

6 (2) For renewable energy credits to count toward
7 the self-direct renewable portfolio standard
8 compliance program, they must:

9 (i) qualify as renewable energy credits as
10 defined in Section 1-10 of this Act;

11 (ii) be sourced from one or more renewable
12 energy generating facilities that comply with the
13 geographic requirements as set forth in
14 subparagraph (I) of paragraph (1) of subsection
15 (c) as interpreted through the Agency's long-term
16 renewable resources procurement plan, or, where
17 applicable, the geographic requirements that
18 governed utility-scale renewable energy credits at
19 the time the eligible self-direct customer entered
20 into the applicable renewable energy credit
21 purchase agreement;

22 (iii) be procured through long-term contracts
23 with term lengths of at least 10 years either
24 directly with the renewable energy generating
25 facility or through a bundled power purchase
26 agreement, a virtual power purchase agreement, an

1 agreement between the renewable generating
2 facility, an alternative retail electric supplier,
3 and the customer, or such other structure as is
4 permissible under this subparagraph (R);

5 (iv) be equivalent in volume to at least 40%
6 of the eligible self-direct customer's usage,
7 determined annually by the eligible self-direct
8 customer's usage during the previous delivery
9 year, measured to the nearest megawatt-hour;

10 (v) be retired by or on behalf of the large
11 energy customer;

12 (vi) be sourced from new utility-scale wind
13 projects or new utility-scale solar projects; and

14 (vii) if the contracts for renewable energy
15 credits are entered into after the effective date
16 of this amendatory Act of the 102nd General
17 Assembly, the new utility-scale wind projects or
18 new utility-scale solar projects must comply with
19 the requirements established in subparagraphs (P)
20 and (Q) of paragraph (1) of this subsection (c)
21 and subsection (c-10).

22 (3) The self-direct renewable portfolio standard
23 compliance program shall be designed to allow eligible
24 self-direct customers to procure new renewable energy
25 credits from new utility-scale wind projects or new
26 utility-scale photovoltaic projects. The Agency shall

1 annually determine the amount of utility-scale
2 renewable energy credits it will include each year
3 from the self-direct renewable portfolio standard
4 compliance program, subject to receiving qualifying
5 applications. In making this determination, the Agency
6 shall evaluate publicly available analyses and studies
7 of the potential market size for utility-scale
8 renewable energy long-term purchase agreements by
9 commercial and industrial energy customers and make
10 that report publicly available. If demand for
11 participation in the self-direct renewable portfolio
12 standard compliance program exceeds availability, the
13 Agency shall ensure participation is evenly split
14 between commercial and industrial users to the extent
15 there is sufficient demand from both customer classes.
16 Each renewable energy credit procured pursuant to this
17 subparagraph (R) by a self-direct customer shall
18 reduce the total volume of renewable energy credits
19 the Agency is otherwise required to procure from new
20 utility-scale projects pursuant to subparagraph (C) of
21 paragraph (1) of this subsection (c) on behalf of
22 contracting utilities where the eligible self-direct
23 customer is located. The self-direct customer shall
24 file an annual compliance report with the Agency
25 pursuant to terms established by the Agency through
26 its long-term renewable resources procurement plan to

1 be eligible for participation in this program.
2 Customers must provide the Agency with their most
3 recent electricity billing statements or other
4 information deemed necessary by the Agency to
5 demonstrate they are an eligible self-direct customer.

6 (4) The Commission shall approve a reduction in
7 the volumetric charges collected pursuant to Section
8 16-108 of the Public Utilities Act for approved
9 eligible self-direct customers equivalent to the
10 anticipated cost of renewable energy credit deliveries
11 under contracts for new utility-scale wind and new
12 utility-scale solar entered for each delivery year
13 after the large energy customer begins retiring
14 eligible new utility scale renewable energy credits
15 for self-compliance. The self-direct credit amount
16 shall be determined annually and is equal to the
17 estimated portion of the cost authorized by
18 subparagraph (E) of paragraph (1) of this subsection
19 (c) that supported the annual procurement of
20 utility-scale renewable energy credits in the prior
21 delivery year using a methodology described in the
22 long-term renewable resources procurement plan,
23 expressed on a per kilowatthour basis, and does not
24 include (i) costs associated with any contracts
25 entered into before the delivery year in which the
26 customer files the initial compliance report to be

1 eligible for participation in the self-direct program,
2 and (ii) costs associated with procuring renewable
3 energy credits through existing and future contracts
4 through the Adjustable Block Program, subsection (c-5)
5 of this Section 1-75, and the Solar for All Program.
6 The Agency shall assist the Commission in determining
7 the current and future costs. The Agency must
8 determine the self-direct credit amount for new and
9 existing eligible self-direct customers and submit
10 this to the Commission in an annual compliance filing.
11 The Commission must approve the self-direct credit
12 amount by June 1, 2023 and June 1 of each delivery year
13 thereafter.

14 (5) Customers described in this subparagraph (R)
15 shall apply, on a form developed by the Agency, to the
16 Agency to be designated as a self-direct eligible
17 customer. Once the Agency determines that a
18 self-direct customer is eligible for participation in
19 the program, the self-direct customer will remain
20 eligible until the end of the term of the contract.
21 Thereafter, application may be made not less than 12
22 months before the filing date of the long-term
23 renewable resources procurement plan described in this
24 Act. At a minimum, such application shall contain the
25 following:

26 (i) the customer's certification that, at the

1 time of the customer's application, the customer
2 qualifies to be a self-direct eligible customer,
3 including documents demonstrating that
4 qualification;

5 (ii) the customer's certification that the
6 customer has entered into or will enter into by
7 the beginning of the applicable procurement year,
8 one or more bilateral contracts for new wind
9 projects or new photovoltaic projects, including
10 supporting documentation;

11 (iii) certification that the contract or
12 contracts for new renewable energy resources are
13 long-term contracts with term lengths of at least
14 10 years, including supporting documentation;

15 (iv) certification of the quantities of
16 renewable energy credits that the customer will
17 purchase each year under such contract or
18 contracts, including supporting documentation;

19 (v) proof that the contract is sufficient to
20 produce renewable energy credits to be equivalent
21 in volume to at least 40% of the large energy
22 customer's usage from the previous delivery year,
23 measured to the nearest megawatt-hour; and

24 (vi) certification that the customer intends
25 to maintain the contract for the duration of the
26 length of the contract.

1 (6) If a customer receives the self-direct credit
2 but fails to properly procure and retire renewable
3 energy credits as required under this subparagraph
4 (R), the Commission, on petition from the Agency and
5 after notice and hearing, may direct such customer's
6 utility to recover the cost of the wrongfully received
7 self-direct credits plus interest through an adder to
8 charges assessed pursuant to Section 16-108 of the
9 Public Utilities Act. Self-direct customers who
10 knowingly fail to properly procure and retire
11 renewable energy credits and do not notify the Agency
12 are ineligible for continued participation in the
13 self-direct renewable portfolio standard compliance
14 program.

15 (2) (Blank).

16 (3) (Blank).

17 (4) The electric utility shall retire all renewable
18 energy credits used to comply with the standard.

19 (5) Beginning with the 2010 delivery year and ending
20 June 1, 2017, an electric utility subject to this
21 subsection (c) shall apply the lesser of the maximum
22 alternative compliance payment rate or the most recent
23 estimated alternative compliance payment rate for its
24 service territory for the corresponding compliance period,
25 established pursuant to subsection (d) of Section 16-115D
26 of the Public Utilities Act to its retail customers that

1 take service pursuant to the electric utility's hourly
2 pricing tariff or tariffs. The electric utility shall
3 retain all amounts collected as a result of the
4 application of the alternative compliance payment rate or
5 rates to such customers, and, beginning in 2011, the
6 utility shall include in the information provided under
7 item (1) of subsection (d) of Section 16-111.5 of the
8 Public Utilities Act the amounts collected under the
9 alternative compliance payment rate or rates for the prior
10 year ending May 31. Notwithstanding any limitation on the
11 procurement of renewable energy resources imposed by item
12 (2) of this subsection (c), the Agency shall increase its
13 spending on the purchase of renewable energy resources to
14 be procured by the electric utility for the next plan year
15 by an amount equal to the amounts collected by the utility
16 under the alternative compliance payment rate or rates in
17 the prior year ending May 31.

18 (6) The electric utility shall be entitled to recover
19 all of its costs associated with the procurement of
20 renewable energy credits under plans approved under this
21 Section and Section 16-111.5 of the Public Utilities Act.
22 These costs shall include associated reasonable expenses
23 for implementing the procurement programs, including, but
24 not limited to, the costs of administering and evaluating
25 the Adjustable Block program, through an automatic
26 adjustment clause tariff in accordance with subsection (k)

1 of Section 16-108 of the Public Utilities Act.

2 (7) Renewable energy credits procured from new
3 photovoltaic projects or new distributed renewable energy
4 generation devices under this Section after June 1, 2017
5 (the effective date of Public Act 99-906) must be procured
6 from devices installed by a qualified person in compliance
7 with the requirements of Section 16-128A of the Public
8 Utilities Act and any rules or regulations adopted
9 thereunder.

10 In meeting the renewable energy requirements of this
11 subsection (c), to the extent feasible and consistent with
12 State and federal law, the renewable energy credit
13 procurements, Adjustable Block solar program, and
14 community renewable generation program shall provide
15 employment opportunities for all segments of the
16 population and workforce, including minority-owned and
17 female-owned business enterprises, and shall not,
18 consistent with State and federal law, discriminate based
19 on race or socioeconomic status.

20 (c-5) Procurement of renewable energy credits from new
21 renewable energy facilities installed at or adjacent to the
22 sites of electric generating facilities that burn or burned
23 coal as their primary fuel source.

24 (1) In addition to the procurement of renewable energy
25 credits pursuant to long-term renewable resources
26 procurement plans in accordance with subsection (c) of

1 this Section and Section 16-111.5 of the Public Utilities
2 Act, the Agency shall conduct procurement events in
3 accordance with this subsection (c-5) for the procurement
4 by electric utilities that served more than 300,000 retail
5 customers in this State as of January 1, 2019 of renewable
6 energy credits from new renewable energy facilities to be
7 installed at or adjacent to the sites of electric
8 generating facilities that, as of January 1, 2016, burned
9 coal as their primary fuel source and meet the other
10 criteria specified in this subsection (c-5). For purposes
11 of this subsection (c-5), "new renewable energy facility"
12 means a new utility-scale solar project as defined in this
13 Section 1-75. The renewable energy credits procured
14 pursuant to this subsection (c-5) may be included or
15 counted for purposes of compliance with the amounts of
16 renewable energy credits required to be procured pursuant
17 to subsection (c) of this Section to the extent that there
18 are otherwise shortfalls in compliance with such
19 requirements. The procurement of renewable energy credits
20 by electric utilities pursuant to this subsection (c-5)
21 shall be funded solely by revenues collected from the Coal
22 to Solar and Energy Storage Initiative Charge provided for
23 in this subsection (c-5) and subsection (i-5) of Section
24 16-108 of the Public Utilities Act, shall not be funded by
25 revenues collected through any of the other funding
26 mechanisms provided for in subsection (c) of this Section,

1 and shall not be subject to the limitation imposed by
2 subsection (c) on charges to retail customers for costs to
3 procure renewable energy resources pursuant to subsection
4 (c), and shall not be subject to any other requirements or
5 limitations of subsection (c).

6 (2) The Agency shall conduct 2 procurement events to
7 select owners of electric generating facilities meeting
8 the eligibility criteria specified in this subsection
9 (c-5) to enter into long-term contracts to sell renewable
10 energy credits to electric utilities serving more than
11 300,000 retail customers in this State as of January 1,
12 2019. The first procurement event shall be conducted no
13 later than January 30, 2022, unless the Agency elects to
14 delay it, until no later than May 1, 2022, due to its
15 overall volume of work, and shall be to select owners of
16 electric generating facilities located in this State and
17 south of federal Interstate Highway 80 that meet the
18 eligibility criteria specified in this subsection (c-5).
19 The second procurement event shall be conducted no sooner
20 than September 30, 2022 and no later than October 31, 2022
21 and shall be to select owners of electric generating
22 facilities located anywhere in this State that meet the
23 eligibility criteria specified in this subsection (c-5).
24 The Agency shall establish and announce a time period,
25 which shall begin no later than 30 days prior to the
26 scheduled date for the procurement event, during which

1 applicants may submit applications to be selected as
2 suppliers of renewable energy credits pursuant to this
3 subsection (c-5). The eligibility criteria for selection
4 as a supplier of renewable energy credits pursuant to this
5 subsection (c-5) shall be as follows:

6 (A) The applicant owns an electric generating
7 facility located in this State that: (i) as of January
8 1, 2016, burned coal as its primary fuel to generate
9 electricity; and (ii) has, or had prior to retirement,
10 an electric generating capacity of at least 150
11 megawatts. The electric generating facility can be
12 either: (i) retired as of the date of the procurement
13 event; or (ii) still operating as of the date of the
14 procurement event.

15 (B) The applicant is not (i) an electric
16 cooperative as defined in Section 3-119 of the Public
17 Utilities Act, or (ii) an entity described in
18 subsection (b)(1) of Section 3-105 of the Public
19 Utilities Act, or an association or consortium of or
20 an entity owned by entities described in (i) or (ii);
21 and the coal-fueled electric generating facility was
22 at one time owned, in whole or in part, by a public
23 utility as defined in Section 3-105 of the Public
24 Utilities Act.

25 (C) If participating in the first procurement
26 event, the applicant proposes and commits to construct

1 and operate, at the site, and if necessary for
2 sufficient space on property adjacent to the existing
3 property, at which the electric generating facility
4 identified in paragraph (A) is located: (i) a new
5 renewable energy facility of at least 20 megawatts but
6 no more than 100 megawatts of electric generating
7 capacity, and (ii) an energy storage facility having a
8 storage capacity equal to at least 2 megawatts and at
9 most 10 megawatts. If participating in the second
10 procurement event, the applicant proposes and commits
11 to construct and operate, at the site, and if
12 necessary for sufficient space on property adjacent to
13 the existing property, at which the electric
14 generating facility identified in paragraph (A) is
15 located: (i) a new renewable energy facility of at
16 least 5 megawatts but no more than 20 megawatts of
17 electric generating capacity, and (ii) an energy
18 storage facility having a storage capacity equal to at
19 least 0.5 megawatts and at most one megawatt.

20 (D) The applicant agrees that the new renewable
21 energy facility and the energy storage facility will
22 be constructed or installed by a qualified entity or
23 entities in compliance with the requirements of
24 subsection (g) of Section 16-128A of the Public
25 Utilities Act and any rules adopted thereunder.

26 (E) The applicant agrees that personnel operating

1 the new renewable energy facility and the energy
2 storage facility will have the requisite skills,
3 knowledge, training, experience, and competence, which
4 may be demonstrated by completion or current
5 participation and ultimate completion by employees of
6 an accredited or otherwise recognized apprenticeship
7 program for the employee's particular craft, trade, or
8 skill, including through training and education
9 courses and opportunities offered by the owner to
10 employees of the coal-fueled electric generating
11 facility or by previous employment experience
12 performing the employee's particular work skill or
13 function.

14 (F) The applicant commits that not less than the
15 prevailing wage, as determined pursuant to the
16 Prevailing Wage Act, will be paid to the applicant's
17 employees engaged in construction activities
18 associated with the new renewable energy facility and
19 the new energy storage facility and to the employees
20 of applicant's contractors engaged in construction
21 activities associated with the new renewable energy
22 facility and the new energy storage facility, and
23 that, on or before the commercial operation date of
24 the new renewable energy facility, the applicant shall
25 file a report with the Agency certifying that the
26 requirements of this subparagraph (F) have been met.

1 (G) The applicant commits that if selected, it
2 will negotiate a project labor agreement for the
3 construction of the new renewable energy facility and
4 associated energy storage facility that includes
5 provisions requiring the parties to the agreement to
6 work together to establish diversity threshold
7 requirements and to ensure best efforts to meet
8 diversity targets, improve diversity at the applicable
9 job site, create diverse apprenticeship opportunities,
10 and create opportunities to employ former coal-fired
11 power plant workers.

12 (H) The applicant commits to enter into a contract
13 or contracts for the applicable duration to provide
14 specified numbers of renewable energy credits each
15 year from the new renewable energy facility to
16 electric utilities that served more than 300,000
17 retail customers in this State as of January 1, 2019,
18 at a price of \$30 per renewable energy credit. The
19 price per renewable energy credit shall be fixed at
20 \$30 for the applicable duration and the renewable
21 energy credits shall not be indexed renewable energy
22 credits as provided for in item (v) of subparagraph
23 (G) of paragraph (1) of subsection (c) of Section 1-75
24 of this Act. The applicable duration of each contract
25 shall be 20 years, unless the applicant is physically
26 interconnected to the PJM Interconnection, LLC

1 transmission grid and had a generating capacity of at
2 least 1,200 megawatts as of January 1, 2021, in which
3 case the applicable duration of the contract shall be
4 15 years.

5 (I) The applicant's application is certified by an
6 officer of the applicant and by an officer of the
7 applicant's ultimate parent company, if any.

8 (3) An applicant may submit applications to contract
9 to supply renewable energy credits from more than one new
10 renewable energy facility to be constructed at or adjacent
11 to one or more qualifying electric generating facilities
12 owned by the applicant. The Agency may select new
13 renewable energy facilities to be located at or adjacent
14 to the sites of more than one qualifying electric
15 generation facility owned by an applicant to contract with
16 electric utilities to supply renewable energy credits from
17 such facilities.

18 (4) The Agency shall assess fees to each applicant to
19 recover the Agency's costs incurred in receiving and
20 evaluating applications, conducting the procurement event,
21 developing contracts for sale, delivery and purchase of
22 renewable energy credits, and monitoring the
23 administration of such contracts, as provided for in this
24 subsection (c-5), including fees paid to a procurement
25 administrator retained by the Agency for one or more of
26 these purposes.

1 (5) The Agency shall select the applicants and the new
2 renewable energy facilities to contract with electric
3 utilities to supply renewable energy credits in accordance
4 with this subsection (c-5). In the first procurement
5 event, the Agency shall select applicants and new
6 renewable energy facilities to supply renewable energy
7 credits, at a price of \$30 per renewable energy credit,
8 aggregating to no less than 400,000 renewable energy
9 credits per year for the applicable duration, assuming
10 sufficient qualifying applications to supply, in the
11 aggregate, at least that amount of renewable energy
12 credits per year; and not more than 580,000 renewable
13 energy credits per year for the applicable duration. In
14 the second procurement event, the Agency shall select
15 applicants and new renewable energy facilities to supply
16 renewable energy credits, at a prices of \$30 per renewable
17 energy credit, aggregating to no more than 625,000
18 renewable energy credits per year less the amount of
19 renewable energy credits each year contracted for as a
20 result of the first procurement event, for the applicable
21 durations. The number of renewable energy credits to be
22 procured as specified in this paragraph (5) shall not be
23 reduced based on renewable energy credits procured in the
24 self-direct renewable energy credit compliance program
25 established pursuant to subparagraph (R) of paragraph (1)
26 of subsection (c) of Section 1-75.

1 (6) The obligation to purchase renewable energy
2 credits from the applicants and their new renewable energy
3 facilities selected by the Agency shall be allocated to
4 the electric utilities based on their respective
5 percentages of kilowatthours delivered to delivery
6 services customers to the aggregate kilowatthour
7 deliveries by the electric utilities to delivery services
8 customers for the year ended December 31, 2021. In order
9 to achieve these allocation percentages between or among
10 the electric utilities, the Agency shall require each
11 applicant that is selected in the procurement event to
12 enter into a contract with each electric utility for the
13 sale and purchase of renewable energy credits from each
14 new renewable energy facility to be constructed and
15 operated by the applicant, with the sale and purchase
16 obligations under the contracts to aggregate to the total
17 number of renewable energy credits per year to be supplied
18 by the applicant from the new renewable energy facility.

19 (7) The Agency shall submit its proposed selection of
20 applicants, new renewable energy facilities to be
21 constructed, and renewable energy credit amounts for each
22 procurement event to the Commission for approval. The
23 Commission shall, within 2 business days after receipt of
24 the Agency's proposed selections, approve the proposed
25 selections if it determines that the applicants and the
26 new renewable energy facilities to be constructed meet the

1 selection criteria set forth in this subsection (c-5) and
2 that the Agency seeks approval for contracts of applicable
3 durations aggregating to no more than the maximum amount
4 of renewable energy credits per year authorized by this
5 subsection (c-5) for the procurement event, at a price of
6 \$30 per renewable energy credit.

7 (8) The Agency, in conjunction with its procurement
8 administrator if one is retained, the electric utilities,
9 and potential applicants for contracts to produce and
10 supply renewable energy credits pursuant to this
11 subsection (c-5), shall develop a standard form contract
12 for the sale, delivery and purchase of renewable energy
13 credits pursuant to this subsection (c-5). Each contract
14 resulting from the first procurement event shall allow for
15 a commercial operation date for the new renewable energy
16 facility of either June 1, 2023 or June 1, 2024, with such
17 dates subject to adjustment as provided in this paragraph.
18 Each contract resulting from the second procurement event
19 shall provide for a commercial operation date on June 1
20 next occurring up to 48 months after execution of the
21 contract. Each contract shall provide that the owner shall
22 receive payments for renewable energy credits for the
23 applicable durations beginning with the commercial
24 operation date of the new renewable energy facility. The
25 form contract shall provide for adjustments to the
26 commercial operation and payment start dates as needed due

1 to any delays in completing the procurement and
2 contracting processes, in finalizing interconnection
3 agreements and installing interconnection facilities, and
4 in obtaining other necessary governmental permits and
5 approvals. The form contract shall be, to the maximum
6 extent possible, consistent with standard electric
7 industry contracts for sale, delivery, and purchase of
8 renewable energy credits while taking into account the
9 specific requirements of this subsection (c-5). The form
10 contract shall provide for over-delivery and
11 under-delivery of renewable energy credits within
12 reasonable ranges during each 12-month period and penalty,
13 default, and enforcement provisions for failure of the
14 selling party to deliver renewable energy credits as
15 specified in the contract and to comply with the
16 requirements of this subsection (c-5). The standard form
17 contract shall specify that all renewable energy credits
18 delivered to the electric utility pursuant to the contract
19 shall be retired. The Agency shall make the proposed
20 contracts available for a reasonable period for comment by
21 potential applicants, and shall publish the final form
22 contract at least 30 days before the date of the first
23 procurement event.

24 (9) Coal to Solar and Energy Storage Initiative
25 Charge.

26 (A) By no later than July 1, 2022, each electric

1 utility that served more than 300,000 retail customers
2 in this State as of January 1, 2019 shall file a tariff
3 with the Commission for the billing and collection of
4 a Coal to Solar and Energy Storage Initiative Charge
5 in accordance with subsection (i-5) of Section 16-108
6 of the Public Utilities Act, with such tariff to be
7 effective, following review and approval or
8 modification by the Commission, beginning January 1,
9 2023. The tariff shall provide for the calculation and
10 setting of the electric utility's Coal to Solar and
11 Energy Storage Initiative Charge to collect revenues
12 estimated to be sufficient, in the aggregate, (i) to
13 enable the electric utility to pay for the renewable
14 energy credits it has contracted to purchase in the
15 delivery year beginning June 1, 2023 and each delivery
16 year thereafter from new renewable energy facilities
17 located at the sites of qualifying electric generating
18 facilities, and (ii) to fund the grant payments to be
19 made in each delivery year by the Department of
20 Commerce and Economic Opportunity, or any successor
21 department or agency, which shall be referred to in
22 this subsection (c-5) as the Department, pursuant to
23 paragraph (10) of this subsection (c-5). The electric
24 utility's tariff shall provide for the billing and
25 collection of the Coal to Solar and Energy Storage
26 Initiative Charge on each kilowatthour of electricity

1 delivered to its delivery services customers within
2 its service territory and shall provide for an annual
3 reconciliation of revenues collected with actual
4 costs, in accordance with subsection (i-5) of Section
5 16-108 of the Public Utilities Act.

6 (B) Each electric utility shall remit on a monthly
7 basis to the State Treasurer, for deposit in the Coal
8 to Solar and Energy Storage Initiative Fund provided
9 for in this subsection (c-5), the electric utility's
10 collections of the Coal to Solar and Energy Storage
11 Initiative Charge in the amount estimated to be needed
12 by the Department for grant payments pursuant to grant
13 contracts entered into by the Department pursuant to
14 paragraph (10) of this subsection (c-5).

15 (10) Coal to Solar and Energy Storage Initiative Fund.

16 (A) The Coal to Solar and Energy Storage
17 Initiative Fund is established as a special fund in
18 the State treasury. The Coal to Solar and Energy
19 Storage Initiative Fund is authorized to receive, by
20 statutory deposit, that portion specified in item (B)
21 of paragraph (9) of this subsection (c-5) of moneys
22 collected by electric utilities through imposition of
23 the Coal to Solar and Energy Storage Initiative Charge
24 required by this subsection (c-5). The Coal to Solar
25 and Energy Storage Initiative Fund shall be
26 administered by the Department to provide grants to

1 support the installation and operation of energy
2 storage facilities at the sites of qualifying electric
3 generating facilities meeting the criteria specified
4 in this paragraph (10).

5 (B) The Coal to Solar and Energy Storage
6 Initiative Fund shall not be subject to sweeps,
7 administrative charges, or chargebacks, including, but
8 not limited to, those authorized under Section 8h of
9 the State Finance Act, that would in any way result in
10 the transfer of those funds from the Coal to Solar and
11 Energy Storage Initiative Fund to any other fund of
12 this State or in having any such funds utilized for any
13 purpose other than the express purposes set forth in
14 this paragraph (10).

15 (C) The Department shall utilize up to
16 \$280,500,000 in the Coal to Solar and Energy Storage
17 Initiative Fund for grants, assuming sufficient
18 qualifying applicants, to support installation of
19 energy storage facilities at the sites of up to 3
20 qualifying electric generating facilities located in
21 the Midcontinent Independent System Operator, Inc.,
22 region in Illinois and the sites of up to 2 qualifying
23 electric generating facilities located in the PJM
24 Interconnection, LLC region in Illinois that meet the
25 criteria set forth in this subparagraph (C). The
26 criteria for receipt of a grant pursuant to this

1 subparagraph (C) are as follows:

2 (1) the electric generating facility at the
3 site has, or had prior to retirement, an electric
4 generating capacity of at least 150 megawatts;

5 (2) the electric generating facility burns (or
6 burned prior to retirement) coal as its primary
7 source of fuel;

8 (3) if the electric generating facility is
9 retired, it was retired subsequent to January 1,
10 2016;

11 (4) the owner of the electric generating
12 facility has not been selected by the Agency
13 pursuant to this subsection (c-5) of this Section
14 to enter into a contract to sell renewable energy
15 credits to one or more electric utilities from a
16 new renewable energy facility located or to be
17 located at or adjacent to the site at which the
18 electric generating facility is located;

19 (5) the electric generating facility located
20 at the site was at one time owned, in whole or in
21 part, by a public utility as defined in Section
22 3-105 of the Public Utilities Act;

23 (6) the electric generating facility at the
24 site is not owned by (i) an electric cooperative
25 as defined in Section 3-119 of the Public
26 Utilities Act, or (ii) an entity described in

1 subsection (b)(1) of Section 3-105 of the Public
2 Utilities Act, or an association or consortium of
3 or an entity owned by entities described in items
4 (i) or (ii);

5 (7) the proposed energy storage facility at
6 the site will have energy storage capacity of at
7 least 37 megawatts;

8 (8) the owner commits to place the energy
9 storage facility into commercial operation on
10 either June 1, 2023, June 1, 2024, or June 1, 2025,
11 with such date subject to adjustment as needed due
12 to any delays in completing the grant contracting
13 process, in finalizing interconnection agreements
14 and in installing interconnection facilities, and
15 in obtaining necessary governmental permits and
16 approvals;

17 (9) the owner agrees that the new energy
18 storage facility will be constructed or installed
19 by a qualified entity or entities consistent with
20 the requirements of subsection (g) of Section
21 16-128A of the Public Utilities Act and any rules
22 adopted under that Section;

23 (10) the owner agrees that personnel operating
24 the energy storage facility will have the
25 requisite skills, knowledge, training, experience,
26 and competence, which may be demonstrated by

1 completion or current participation and ultimate
2 completion by employees of an accredited or
3 otherwise recognized apprenticeship program for
4 the employee's particular craft, trade, or skill,
5 including through training and education courses
6 and opportunities offered by the owner to
7 employees of the coal-fueled electric generating
8 facility or by previous employment experience
9 performing the employee's particular work skill or
10 function;

11 (11) the owner commits that not less than the
12 prevailing wage, as determined pursuant to the
13 Prevailing Wage Act, will be paid to the owner's
14 employees engaged in construction activities
15 associated with the new energy storage facility
16 and to the employees of the owner's contractors
17 engaged in construction activities associated with
18 the new energy storage facility, and that, on or
19 before the commercial operation date of the new
20 energy storage facility, the owner shall file a
21 report with the Department certifying that the
22 requirements of this subparagraph (11) have been
23 met; and

24 (12) the owner commits that if selected to
25 receive a grant, it will negotiate a project labor
26 agreement for the construction of the new energy

1 storage facility that includes provisions
2 requiring the parties to the agreement to work
3 together to establish diversity threshold
4 requirements and to ensure best efforts to meet
5 diversity targets, improve diversity at the
6 applicable job site, create diverse apprenticeship
7 opportunities, and create opportunities to employ
8 former coal-fired power plant workers.

9 The Department shall accept applications for this
10 grant program until March 31, 2022 and shall announce
11 the award of grants no later than June 1, 2022. The
12 Department shall make the grant payments to a
13 recipient in equal annual amounts for 10 years
14 following the date the energy storage facility is
15 placed into commercial operation. The annual grant
16 payments to a qualifying energy storage facility shall
17 be \$110,000 per megawatt of energy storage capacity,
18 with total annual grant payments pursuant to this
19 subparagraph (C) for qualifying energy storage
20 facilities not to exceed \$28,050,000 in any year.

21 (D) Grants of funding for energy storage
22 facilities pursuant to subparagraph (C) of this
23 paragraph (10), from the Coal to Solar and Energy
24 Storage Initiative Fund, shall be memorialized in
25 grant contracts between the Department and the
26 recipient. The grant contracts shall specify the date

1 or dates in each year on which the annual grant
2 payments shall be paid.

3 (E) All disbursements from the Coal to Solar and
4 Energy Storage Initiative Fund shall be made only upon
5 warrants of the Comptroller drawn upon the Treasurer
6 as custodian of the Fund upon vouchers signed by the
7 Director of the Department or by the person or persons
8 designated by the Director of the Department for that
9 purpose. The Comptroller is authorized to draw the
10 warrants upon vouchers so signed. The Treasurer shall
11 accept all written warrants so signed and shall be
12 released from liability for all payments made on those
13 warrants.

14 (11) Diversity, equity, and inclusion plans.

15 (A) Each applicant selected in a procurement event
16 to contract to supply renewable energy credits in
17 accordance with this subsection (c-5) and each owner
18 selected by the Department to receive a grant or
19 grants to support the construction and operation of a
20 new energy storage facility or facilities in
21 accordance with this subsection (c-5) shall, within 60
22 days following the Commission's approval of the
23 applicant to contract to supply renewable energy
24 credits or within 60 days following execution of a
25 grant contract with the Department, as applicable,
26 submit to the Commission a diversity, equity, and

1 inclusion plan setting forth the applicant's or
2 owner's numeric goals for the diversity composition of
3 its supplier entities for the new renewable energy
4 facility or new energy storage facility, as
5 applicable, which shall be referred to for purposes of
6 this paragraph (11) as the project, and the
7 applicant's or owner's action plan and schedule for
8 achieving those goals.

9 (B) For purposes of this paragraph (11), diversity
10 composition shall be based on the percentage, which
11 shall be a minimum of 25%, of eligible expenditures
12 for contract awards for materials and services (which
13 shall be defined in the plan) to business enterprises
14 owned by minority persons, women, or persons with
15 disabilities as defined in Section 2 of the Business
16 Enterprise for Minorities, Women, and Persons with
17 Disabilities Act, to LGBTQ business enterprises, to
18 veteran-owned business enterprises, and to business
19 enterprises located in environmental justice
20 communities. The diversity composition goals of the
21 plan may include eligible expenditures in areas for
22 vendor or supplier opportunities in addition to
23 development and construction of the project, and may
24 exclude from eligible expenditures materials and
25 services with limited market availability, limited
26 production and availability from suppliers in the

1 United States, such as solar panels and storage
2 batteries, and material and services that are subject
3 to critical energy infrastructure or cybersecurity
4 requirements or restrictions. The plan may provide
5 that the diversity composition goals may be met
6 through Tier 1 Direct or Tier 2 subcontracting
7 expenditures or a combination thereof for the project.

8 (C) The plan shall provide for, but not be limited
9 to: (i) internal initiatives, including multi-tier
10 initiatives, by the applicant or owner, or by its
11 engineering, procurement and construction contractor
12 if one is used for the project, which for purposes of
13 this paragraph (11) shall be referred to as the EPC
14 contractor, to enable diverse businesses to be
15 considered fairly for selection to provide materials
16 and services; (ii) requirements for the applicant or
17 owner or its EPC contractor to proactively solicit and
18 utilize diverse businesses to provide materials and
19 services; and (iii) requirements for the applicant or
20 owner or its EPC contractor to hire a diverse
21 workforce for the project. The plan shall include a
22 description of the applicant's or owner's diversity
23 recruiting efforts both for the project and for other
24 areas of the applicant's or owner's business
25 operations. The plan shall provide for the imposition
26 of financial penalties on the applicant's or owner's

1 EPC contractor for failure to exercise best efforts to
2 comply with and execute the EPC contractor's diversity
3 obligations under the plan. The plan may provide for
4 the applicant or owner to set aside a portion of the
5 work on the project to serve as an incubation program
6 for qualified businesses, as specified in the plan,
7 owned by minority persons, women, persons with
8 disabilities, LGBTQ persons, and veterans, and
9 businesses located in environmental justice
10 communities, seeking to enter the renewable energy
11 industry.

12 (D) The applicant or owner may submit a revised or
13 updated plan to the Commission from time to time as
14 circumstances warrant. The applicant or owner shall
15 file annual reports with the Commission detailing the
16 applicant's or owner's progress in implementing its
17 plan and achieving its goals and any modifications the
18 applicant or owner has made to its plan to better
19 achieve its diversity, equity and inclusion goals. The
20 applicant or owner shall file a final report on the
21 fifth June 1 following the commercial operation date
22 of the new renewable energy resource or new energy
23 storage facility, but the applicant or owner shall
24 thereafter continue to be subject to applicable
25 reporting requirements of Section 5-117 of the Public
26 Utilities Act.

1 (c-10) Equity accountability system. It is the purpose of
2 this subsection (c-10) to create an equity accountability
3 system, which includes the minimum equity standards for all
4 renewable energy procurements, the equity category of the
5 Adjustable Block Program, and the equity prioritization for
6 noncompetitive procurements, that is successful in advancing
7 priority access to the clean energy economy for businesses and
8 workers from communities that have been excluded from economic
9 opportunities in the energy sector, have been subject to
10 disproportionate levels of pollution, and have
11 disproportionately experienced negative public health
12 outcomes. Further, it is the purpose of this subsection to
13 ensure that this equity accountability system is successful in
14 advancing equity across Illinois by providing access to the
15 clean energy economy for businesses and workers from
16 communities that have been historically excluded from economic
17 opportunities in the energy sector, have been subject to
18 disproportionate levels of pollution, and have
19 disproportionately experienced negative public health
20 outcomes.

21 (1) Minimum equity standards. All applications for
22 renewable energy credit procurements shall comply with
23 specific minimum equity commitments. Starting in the
24 delivery year immediately following the next long-term
25 renewable resources procurement plan, at least 10% of the
26 project workforce for each entity participating in a

1 procurement program outlined in this subsection (c-10)
2 must be done by equity eligible persons or equity eligible
3 contractors. The Agency shall increase the minimum
4 percentage each delivery year thereafter by increments
5 that ensure a statewide average of 30% of the project
6 workforce for each entity participating in a procurement
7 program is done by equity eligible persons or equity
8 eligible contractors by 2030. The Agency shall propose a
9 schedule of percentage increases to the minimum equity
10 standards in its draft revised renewable energy resources
11 procurement plan submitted to the Commission for approval
12 pursuant to paragraph (5) of subsection (b) of Section
13 16-111.5 of the Public Utilities Act. In determining these
14 annual increases, the Agency shall have the discretion to
15 establish different minimum equity standards for different
16 types of procurements and different regions of the State
17 if the Agency finds that doing so will further the
18 purposes of this subsection (c-10). The proposed schedule
19 of annual increases shall be revisited and updated on an
20 annual basis. Revisions shall be developed with
21 stakeholder input, including from equity eligible persons,
22 equity eligible contractors, clean energy industry
23 representatives, and community-based organizations that
24 work with such persons and contractors.

25 (A) At the start of each delivery year, the Agency
26 shall require a compliance plan from each entity

1 participating in a procurement program of subsection
2 (c) of this Section that demonstrates how they will
3 achieve compliance with the minimum equity standard
4 percentage for work completed in that delivery year.
5 If an entity applies for its approved vendor or
6 designee status between delivery years, the Agency
7 shall require a compliance plan at the time of
8 application.

9 (B) Halfway through each delivery year, the Agency
10 shall require each entity participating in a
11 procurement program to confirm that it will achieve
12 compliance in that delivery year, when applicable. The
13 Agency may offer corrective action plans to entities
14 that are not on track to achieve compliance.

15 (C) At the end of each delivery year, each entity
16 participating and completing work in that delivery
17 year in a procurement program of subsection (c) shall
18 submit a report to the Agency that demonstrates how it
19 achieved compliance with the minimum equity standards
20 percentage for that delivery year.

21 (D) The Agency shall prohibit participation in
22 procurement programs by an approved vendor or
23 designee, as applicable, or entities with which an
24 approved vendor or designee, as applicable, shares a
25 common parent company if an approved vendor or
26 designee, as applicable, failed to meet the minimum

1 equity standards for the prior delivery year. Waivers
2 approved for lack of equity eligible persons or equity
3 eligible contractors in a geographic area of a project
4 shall not count against the approved vendor or
5 designee. The Agency shall offer a corrective action
6 plan for any such entities to assist them in obtaining
7 compliance and shall allow continued access to
8 procurement programs upon an approved vendor or
9 designee demonstrating compliance.

10 (E) The Agency shall pursue efficiencies achieved
11 by combining with other approved vendor or designee
12 reporting.

13 (2) Equity accountability system within the Adjustable
14 Block program. The equity category described in item (vi)
15 of subparagraph (K) of subsection (c) is only available to
16 applicants that are equity eligible contractors.
17 Applicants that have Equitable Energy Future
18 Certifications are not eligible for the block described in
19 item (vi) of subparagraph (K) of subsection (c), no matter
20 if the block percentage increases. The Agency shall create
21 a system for tracking and verifying Equitable Energy
22 Future Certifications. Equitable Energy Future
23 Certification can be earned by demonstrating that at least
24 50% of the project workforce, or other appropriate
25 workforce measure as determined by the Agency where
26 certification is on a non-project basis, is done by equity

1 eligible contractors or equity eligible persons.

2 (3) Equity accountability system within competitive
3 procurements. Through its long-term renewable resources
4 procurement plan, the Agency shall develop requirements
5 for ensuring that competitive procurement processes,
6 including utility-scale solar, utility-scale wind, and
7 brownfield site photovoltaic projects, advance the equity
8 goals of this subsection (c-10). Subject to Commission
9 approval, the Agency shall develop bid application
10 requirements and a bid evaluation methodology for ensuring
11 that utilization of equity eligible contractors, whether
12 as bidders or as participants on project development, is
13 optimized, including requiring that winning or successful
14 applicants for utility-scale projects are or will partner
15 with equity eligible contractors and giving preference to
16 bids through which a higher portion of contract value
17 flows to equity eligible contractors. To the extent
18 practicable, entities participating in competitive
19 procurements shall also be required to meet all the equity
20 accountability requirements for approved vendors and their
21 designees under this subsection (c-10). In developing
22 these requirements, the Agency shall also consider whether
23 equity goals can be further advanced through additional
24 measures.

25 (4) In the first revision to the long-term renewable
26 energy resources procurement plan and each revision

1 thereafter, the Agency shall include the following:

2 (A) The current status and number of equity
3 eligible contractors listed in the Energy Workforce
4 Equity Database designed in subsection (c-25),
5 including the number of equity eligible contractors
6 with current certifications as issued by the Agency.

7 (B) A mechanism for measuring, tracking, and
8 reporting project workforce at the approved vendor or
9 designee level, as applicable, which shall include a
10 measurement methodology and records to be made
11 available for audit by the Agency or the Program
12 Administrator.

13 (C) A program for approved vendors, designees,
14 eligible persons, and equity eligible contractors to
15 receive trainings, guidance, and other support from
16 the Agency or its designee regarding the equity
17 category outlined in item (vi) of subparagraph (K) of
18 paragraph (1) of subsection (c) and in meeting the
19 minimum equity standards of this subsection (c-10).

20 (D) A process for certifying equity eligible
21 contractors and equity eligible persons. The
22 certification process shall coordinate with the Energy
23 Workforce Equity Database set forth in subsection
24 (c-25).

25 (E) An application for waiver of the minimum
26 equity standards of this subsection, which the Agency

1 shall have the discretion to grant in rare
2 circumstances. The Agency may grant such a waiver
3 where the applicant provides evidence of significant
4 efforts toward meeting the minimum equity commitment,
5 including: use of the Energy Workforce Equity
6 Database; efforts to hire or contract with entities
7 that hire eligible persons; and efforts to establish
8 contracting relationships with eligible contractors.
9 The Agency shall support applicants in understanding
10 the Energy Workforce Equity Database and other
11 resources for pursuing compliance of the minimum
12 equity standards. Waivers shall be project-specific,
13 unless the Agency deems it necessary to grant a waiver
14 across a portfolio of projects, and in effect for no
15 longer than one year. Any waiver extension or
16 subsequent waiver request from an applicant shall be
17 subject to the requirements of this Section and shall
18 specify efforts made to reach compliance. When
19 considering whether to grant a waiver, and to what
20 extent, the Agency shall consider the degree to which
21 similarly situated applicants have been able to meet
22 these minimum equity commitments. For repeated waiver
23 requests for specific lack of eligible persons or
24 eligible contractors available, the Agency shall make
25 recommendations to target recruitment to add such
26 eligible persons or eligible contractors to the

1 database.

2 (5) The Agency shall collect information about work on
3 projects or portfolios of projects subject to these
4 minimum equity standards to ensure compliance with this
5 subsection (c-10). Reporting in furtherance of this
6 requirement may be combined with other annual reporting
7 requirements. Such reporting shall include proof of
8 certification of each equity eligible contractor or equity
9 eligible person during the applicable time period.

10 (6) The Agency shall keep confidential all information
11 and communication that provides private or personal
12 information.

13 (7) Modifications to the equity accountability system.
14 As part of the update of the long-term renewable resources
15 procurement plan to be initiated in 2023, or sooner if the
16 Agency deems necessary, the Agency shall determine the
17 extent to which the equity accountability system described
18 in this subsection (c-10) has advanced the goals of this
19 amendatory Act of the 102nd General Assembly, including
20 through the inclusion of equity eligible persons, equity
21 eligible contractors, and Equitable Energy Future
22 Certification in renewable energy credit projects. If the
23 Agency finds that the equity accountability system has
24 failed to meet those goals to its fullest potential, the
25 Agency may revise the following criteria for future Agency
26 procurements: (A) the percentage of project workforce, or

1 other appropriate workforce measure, certified as equity
2 eligible persons or equity eligible contractors, as
3 required to meet the thresholds for Equitable Energy
4 Future Certification; (B) definitions for equity
5 investment eligible persons and equity investment eligible
6 community; and (C) such other modifications necessary to
7 advance the goals of this amendatory Act of the 102nd
8 General Assembly effectively. Such revised criteria may
9 also establish distinct equity accountability systems for
10 different types of procurements or different regions of
11 the State if the Agency finds that doing so will further
12 the purposes of such programs. Revisions shall be
13 developed with stakeholder input, including from equity
14 eligible persons, equity eligible contractors, and
15 community-based organizations that work with such persons
16 and contractors.

17 (c-15) Racial discrimination elimination powers and
18 process.

19 (1) Purpose. It is the purpose of this subsection to
20 empower the Agency and other State actors to remedy racial
21 discrimination in Illinois' clean energy economy as
22 effectively and expediently as possible, including through
23 the use of race-conscious remedies, such as race-conscious
24 contracting and hiring goals, as consistent with State and
25 federal law.

26 (2) Racial disparity and discrimination review

1 process.

2 (A) Within one year after awarding contracts using
3 the equity actions processes established in this
4 Section, the Agency shall publish a report evaluating
5 the effectiveness of the equity actions point criteria
6 of this Section in increasing participation of equity
7 eligible persons and equity eligible contractors. The
8 report shall disaggregate participating workers and
9 contractors by race and ethnicity. The report shall be
10 forwarded to the Governor, the General Assembly, and
11 the Illinois Commerce Commission and be made available
12 to the public.

13 (B) As soon as is practicable thereafter, the
14 Agency, in consultation with the Department of
15 Commerce and Economic Opportunity, Department of
16 Labor, and other agencies that may be relevant, shall
17 commission and publish a disparity and availability
18 study that measures the presence and impact of
19 discrimination on minority businesses and workers in
20 Illinois' clean energy economy. The Agency may hire
21 consultants and experts to conduct the disparity and
22 availability study, with the retention of those
23 consultants and experts exempt from the requirements
24 of Section 20-10 of the Illinois Procurement Code. The
25 Illinois Power Agency shall forward a copy of its
26 findings and recommendations to the Governor, the

1 General Assembly, and the Illinois Commerce
2 Commission. If the disparity and availability study
3 establishes a strong basis in evidence that there is
4 discrimination in Illinois' clean energy economy, the
5 Agency, Department of Commerce and Economic
6 Opportunity, Department of Labor, Department of
7 Corrections, and other appropriate agencies shall take
8 appropriate remedial actions, including race-conscious
9 remedial actions as consistent with State and federal
10 law, to effectively remedy this discrimination. Such
11 remedies may include modification of the equity
12 accountability system as described in subsection
13 (c-10).

14 (c-20) Program data collection.

15 (1) Purpose. Data collection, data analysis, and
16 reporting are critical to ensure that the benefits of the
17 clean energy economy provided to Illinois residents and
18 businesses are equitably distributed across the State. The
19 Agency shall collect data from program applicants in order
20 to track and improve equitable distribution of benefits
21 across Illinois communities for all procurements the
22 Agency conducts. The Agency shall use this data to, among
23 other things, measure any potential impact of racial
24 discrimination on the distribution of benefits and provide
25 information necessary to correct any discrimination
26 through methods consistent with State and federal law.

1 (2) Agency collection of program data. The Agency
2 shall collect demographic and geographic data for each
3 entity awarded contracts under any Agency-administered
4 program.

5 (3) Required information to be collected. The Agency
6 shall collect the following information from applicants
7 and program participants where applicable:

8 (A) demographic information, including racial or
9 ethnic identity for real persons employed, contracted,
10 or subcontracted through the program and owners of
11 businesses or entities that apply to receive renewable
12 energy credits from the Agency;

13 (B) geographic location of the residency of real
14 persons employed, contracted, or subcontracted through
15 the program and geographic location of the
16 headquarters of the business or entity that applies to
17 receive renewable energy credits from the Agency; and

18 (C) any other information the Agency determines is
19 necessary for the purpose of achieving the purpose of
20 this subsection.

21 (4) Publication of collected information. The Agency
22 shall publish, at least annually, information on the
23 demographics of program participants on an aggregate
24 basis.

25 (5) Nothing in this subsection shall be interpreted to
26 limit the authority of the Agency, or other agency or

1 department of the State, to require or collect demographic
2 information from applicants of other State programs.

3 (c-25) Energy Workforce Equity Database.

4 (1) The Agency, in consultation with the Department of
5 Commerce and Economic Opportunity, shall create an Energy
6 Workforce Equity Database, and may contract with a third
7 party to do so ("database program administrator"). If the
8 Department decides to contract with a third party, that
9 third party shall be exempt from the requirements of
10 Section 20-10 of the Illinois Procurement Code. The Energy
11 Workforce Equity Database shall be a searchable database
12 of suppliers, vendors, and subcontractors for clean energy
13 industries that is:

14 (A) publicly accessible;

15 (B) easy for people to find and use;

16 (C) organized by company specialty or field;

17 (D) region-specific; and

18 (E) populated with information including, but not
19 limited to, contacts for suppliers, vendors, or
20 subcontractors who are minority and women-owned
21 business enterprise certified or who participate or
22 have participated in any of the programs described in
23 this Act.

24 (2) The Agency shall create an easily accessible,
25 public facing online tool using the database information
26 that includes, at a minimum, the following:

1 (A) a map of environmental justice and equity
2 investment eligible communities;

3 (B) job postings and recruiting opportunities;

4 (C) a means by which recruiting clean energy
5 companies can find and interact with current or former
6 participants of clean energy workforce training
7 programs;

8 (D) information on workforce training service
9 providers and training opportunities available to
10 prospective workers;

11 (E) renewable energy company diversity reporting;

12 (F) a list of equity eligible contractors with
13 their contact information, types of work performed,
14 and locations worked in;

15 (G) reporting on outcomes of the programs
16 described in the workforce programs of the Energy
17 Transition Act, including information such as, but not
18 limited to, retention rate, graduation rate, and
19 placement rates of trainees; and

20 (H) information about the Jobs and Environmental
21 Justice Grant Program, the Clean Energy Jobs and
22 Justice Fund, and other sources of capital.

23 (3) The Agency shall ensure the database is regularly
24 updated to ensure information is current and shall
25 coordinate with the Department of Commerce and Economic
26 Opportunity to ensure that it includes information on

1 individuals and entities that are or have participated in
2 the Clean Jobs Workforce Network Program, Clean Energy
3 Contractor Incubator Program, Returning Residents Clean
4 Jobs Training Program, or Clean Energy Primes Contractor
5 Accelerator Program.

6 (c-30) Enforcement of equity accountability system.

7 (1) Enforcement of minimum equity standards. All
8 entities seeking renewable energy credits must submit an
9 annual report to demonstrate compliance with each of the
10 equity commitments required under subsection (c-10). If
11 the Agency concludes the entity has not met or maintained
12 its minimum equity standards required under the applicable
13 subparagraphs under subsection (c-10), the Agency shall
14 deny the entity's ability to participate in procurement
15 programs in subsection (c), including by withholding
16 approved vendor or designee status. The Agency may require
17 the entity to enter into a corrective action plan. An
18 entity that is not recertified for failing to meet
19 required equity actions in subparagraph (c-10) may reapply
20 once they have a corrective action plan and achieve
21 compliance with the minimum equity standards.

22 (2) Enforcement of Equitable Energy Future
23 Certification. All entities using Equitable Energy Future
24 Certification in applying for renewable energy credit
25 procurements must submit a report at project energization
26 demonstrating that they met the required Equitable Energy

1 Future Certification thresholds. The Agency shall
2 determine an appropriate reporting frequency for entities
3 that are granted Equitable Energy Future Certification for
4 a portfolio of projects. The Agency may impose penalties
5 on entities that fail to meet the Equitable Energy Future
6 Certification thresholds, which may include, but are not
7 limited to: reduction in final REC price, contributions to
8 the Clean Jobs Workforce Hubs, or Illinois Climate Works
9 Preapprenticeship Program and suspension from using
10 Equitable Energy Future Certification for future projects
11 or a portfolio of projects.

12 (d) Clean coal portfolio standard.

13 (1) The procurement plans shall include electricity
14 generated using clean coal. Each utility shall enter into
15 one or more sourcing agreements with the initial clean
16 coal facility, as provided in paragraph (3) of this
17 subsection (d), covering electricity generated by the
18 initial clean coal facility representing at least 5% of
19 each utility's total supply to serve the load of eligible
20 retail customers in 2015 and each year thereafter, as
21 described in paragraph (3) of this subsection (d), subject
22 to the limits specified in paragraph (2) of this
23 subsection (d). It is the goal of the State that by January
24 1, 2025, 25% of the electricity used in the State shall be
25 generated by cost-effective clean coal facilities. For
26 purposes of this subsection (d), "cost-effective" means

1 that the expenditures pursuant to such sourcing agreements
2 do not cause the limit stated in paragraph (2) of this
3 subsection (d) to be exceeded and do not exceed cost-based
4 benchmarks, which shall be developed to assess all
5 expenditures pursuant to such sourcing agreements covering
6 electricity generated by clean coal facilities, other than
7 the initial clean coal facility, by the procurement
8 administrator, in consultation with the Commission staff,
9 Agency staff, and the procurement monitor and shall be
10 subject to Commission review and approval.

11 A utility party to a sourcing agreement shall
12 immediately retire any emission credits that it receives
13 in connection with the electricity covered by such
14 agreement.

15 Utilities shall maintain adequate records documenting
16 the purchases under the sourcing agreement to comply with
17 this subsection (d) and shall file an accounting with the
18 load forecast that must be filed with the Agency by July 15
19 of each year, in accordance with subsection (d) of Section
20 16-111.5 of the Public Utilities Act.

21 A utility shall be deemed to have complied with the
22 clean coal portfolio standard specified in this subsection
23 (d) if the utility enters into a sourcing agreement as
24 required by this subsection (d).

25 (2) For purposes of this subsection (d), the required
26 execution of sourcing agreements with the initial clean

1 coal facility for a particular year shall be measured as a
2 percentage of the actual amount of electricity
3 (megawatt-hours) supplied by the electric utility to
4 eligible retail customers in the planning year ending
5 immediately prior to the agreement's execution. For
6 purposes of this subsection (d), the amount paid per
7 kilowatthour means the total amount paid for electric
8 service expressed on a per kilowatthour basis. For
9 purposes of this subsection (d), the total amount paid for
10 electric service includes without limitation amounts paid
11 for supply, transmission, distribution, surcharges and
12 add-on taxes.

13 Notwithstanding the requirements of this subsection
14 (d), the total amount paid under sourcing agreements with
15 clean coal facilities pursuant to the procurement plan for
16 any given year shall be reduced by an amount necessary to
17 limit the annual estimated average net increase due to the
18 costs of these resources included in the amounts paid by
19 eligible retail customers in connection with electric
20 service to:

21 (A) in 2010, no more than 0.5% of the amount paid
22 per kilowatthour by those customers during the year
23 ending May 31, 2009;

24 (B) in 2011, the greater of an additional 0.5% of
25 the amount paid per kilowatthour by those customers
26 during the year ending May 31, 2010 or 1% of the amount

1 paid per kilowatthour by those customers during the
2 year ending May 31, 2009;

3 (C) in 2012, the greater of an additional 0.5% of
4 the amount paid per kilowatthour by those customers
5 during the year ending May 31, 2011 or 1.5% of the
6 amount paid per kilowatthour by those customers during
7 the year ending May 31, 2009;

8 (D) in 2013, the greater of an additional 0.5% of
9 the amount paid per kilowatthour by those customers
10 during the year ending May 31, 2012 or 2% of the amount
11 paid per kilowatthour by those customers during the
12 year ending May 31, 2009; and

13 (E) thereafter, the total amount paid under
14 sourcing agreements with clean coal facilities
15 pursuant to the procurement plan for any single year
16 shall be reduced by an amount necessary to limit the
17 estimated average net increase due to the cost of
18 these resources included in the amounts paid by
19 eligible retail customers in connection with electric
20 service to no more than the greater of (i) 2.015% of
21 the amount paid per kilowatthour by those customers
22 during the year ending May 31, 2009 or (ii) the
23 incremental amount per kilowatthour paid for these
24 resources in 2013. These requirements may be altered
25 only as provided by statute.

26 No later than June 30, 2015, the Commission shall

1 review the limitation on the total amount paid under
2 sourcing agreements, if any, with clean coal facilities
3 pursuant to this subsection (d) and report to the General
4 Assembly its findings as to whether that limitation unduly
5 constrains the amount of electricity generated by
6 cost-effective clean coal facilities that is covered by
7 sourcing agreements.

8 (3) Initial clean coal facility. In order to promote
9 development of clean coal facilities in Illinois, each
10 electric utility subject to this Section shall execute a
11 sourcing agreement to source electricity from a proposed
12 clean coal facility in Illinois (the "initial clean coal
13 facility") that will have a nameplate capacity of at least
14 500 MW when commercial operation commences, that has a
15 final Clean Air Act permit on June 1, 2009 (the effective
16 date of Public Act 95-1027), and that will meet the
17 definition of clean coal facility in Section 1-10 of this
18 Act when commercial operation commences. The sourcing
19 agreements with this initial clean coal facility shall be
20 subject to both approval of the initial clean coal
21 facility by the General Assembly and satisfaction of the
22 requirements of paragraph (4) of this subsection (d) and
23 shall be executed within 90 days after any such approval
24 by the General Assembly. The Agency and the Commission
25 shall have authority to inspect all books and records
26 associated with the initial clean coal facility during the

1 term of such a sourcing agreement. A utility's sourcing
2 agreement for electricity produced by the initial clean
3 coal facility shall include:

4 (A) a formula contractual price (the "contract
5 price") approved pursuant to paragraph (4) of this
6 subsection (d), which shall:

7 (i) be determined using a cost of service
8 methodology employing either a level or deferred
9 capital recovery component, based on a capital
10 structure consisting of 45% equity and 55% debt,
11 and a return on equity as may be approved by the
12 Federal Energy Regulatory Commission, which in any
13 case may not exceed the lower of 11.5% or the rate
14 of return approved by the General Assembly
15 pursuant to paragraph (4) of this subsection (d);
16 and

17 (ii) provide that all miscellaneous net
18 revenue, including but not limited to net revenue
19 from the sale of emission allowances, if any,
20 substitute natural gas, if any, grants or other
21 support provided by the State of Illinois or the
22 United States Government, firm transmission
23 rights, if any, by-products produced by the
24 facility, energy or capacity derived from the
25 facility and not covered by a sourcing agreement
26 pursuant to paragraph (3) of this subsection (d)

1 or item (5) of subsection (d) of Section 16-115 of
2 the Public Utilities Act, whether generated from
3 the synthesis gas derived from coal, from SNG, or
4 from natural gas, shall be credited against the
5 revenue requirement for this initial clean coal
6 facility;

7 (B) power purchase provisions, which shall:

8 (i) provide that the utility party to such
9 sourcing agreement shall pay the contract price
10 for electricity delivered under such sourcing
11 agreement;

12 (ii) require delivery of electricity to the
13 regional transmission organization market of the
14 utility that is party to such sourcing agreement;

15 (iii) require the utility party to such
16 sourcing agreement to buy from the initial clean
17 coal facility in each hour an amount of energy
18 equal to all clean coal energy made available from
19 the initial clean coal facility during such hour
20 times a fraction, the numerator of which is such
21 utility's retail market sales of electricity
22 (expressed in kilowatthours sold) in the State
23 during the prior calendar month and the
24 denominator of which is the total retail market
25 sales of electricity (expressed in kilowatthours
26 sold) in the State by utilities during such prior

1 month and the sales of electricity (expressed in
2 kilowatthours sold) in the State by alternative
3 retail electric suppliers during such prior month
4 that are subject to the requirements of this
5 subsection (d) and paragraph (5) of subsection (d)
6 of Section 16-115 of the Public Utilities Act,
7 provided that the amount purchased by the utility
8 in any year will be limited by paragraph (2) of
9 this subsection (d); and

10 (iv) be considered pre-existing contracts in
11 such utility's procurement plans for eligible
12 retail customers;

13 (C) contract for differences provisions, which
14 shall:

15 (i) require the utility party to such sourcing
16 agreement to contract with the initial clean coal
17 facility in each hour with respect to an amount of
18 energy equal to all clean coal energy made
19 available from the initial clean coal facility
20 during such hour times a fraction, the numerator
21 of which is such utility's retail market sales of
22 electricity (expressed in kilowatthours sold) in
23 the utility's service territory in the State
24 during the prior calendar month and the
25 denominator of which is the total retail market
26 sales of electricity (expressed in kilowatthours

1 sold) in the State by utilities during such prior
2 month and the sales of electricity (expressed in
3 kilowatthours sold) in the State by alternative
4 retail electric suppliers during such prior month
5 that are subject to the requirements of this
6 subsection (d) and paragraph (5) of subsection (d)
7 of Section 16-115 of the Public Utilities Act,
8 provided that the amount paid by the utility in
9 any year will be limited by paragraph (2) of this
10 subsection (d);

11 (ii) provide that the utility's payment
12 obligation in respect of the quantity of
13 electricity determined pursuant to the preceding
14 clause (i) shall be limited to an amount equal to
15 (1) the difference between the contract price
16 determined pursuant to subparagraph (A) of
17 paragraph (3) of this subsection (d) and the
18 day-ahead price for electricity delivered to the
19 regional transmission organization market of the
20 utility that is party to such sourcing agreement
21 (or any successor delivery point at which such
22 utility's supply obligations are financially
23 settled on an hourly basis) (the "reference
24 price") on the day preceding the day on which the
25 electricity is delivered to the initial clean coal
26 facility busbar, multiplied by (2) the quantity of

1 electricity determined pursuant to the preceding
2 clause (i); and

3 (iii) not require the utility to take physical
4 delivery of the electricity produced by the
5 facility;

6 (D) general provisions, which shall:

7 (i) specify a term of no more than 30 years,
8 commencing on the commercial operation date of the
9 facility;

10 (ii) provide that utilities shall maintain
11 adequate records documenting purchases under the
12 sourcing agreements entered into to comply with
13 this subsection (d) and shall file an accounting
14 with the load forecast that must be filed with the
15 Agency by July 15 of each year, in accordance with
16 subsection (d) of Section 16-111.5 of the Public
17 Utilities Act;

18 (iii) provide that all costs associated with
19 the initial clean coal facility will be
20 periodically reported to the Federal Energy
21 Regulatory Commission and to purchasers in
22 accordance with applicable laws governing
23 cost-based wholesale power contracts;

24 (iv) permit the Illinois Power Agency to
25 assume ownership of the initial clean coal
26 facility, without monetary consideration and

1 otherwise on reasonable terms acceptable to the
2 Agency, if the Agency so requests no less than 3
3 years prior to the end of the stated contract
4 term;

5 (v) require the owner of the initial clean
6 coal facility to provide documentation to the
7 Commission each year, starting in the facility's
8 first year of commercial operation, accurately
9 reporting the quantity of carbon emissions from
10 the facility that have been captured and
11 sequestered and report any quantities of carbon
12 released from the site or sites at which carbon
13 emissions were sequestered in prior years, based
14 on continuous monitoring of such sites. If, in any
15 year after the first year of commercial operation,
16 the owner of the facility fails to demonstrate
17 that the initial clean coal facility captured and
18 sequestered at least 50% of the total carbon
19 emissions that the facility would otherwise emit
20 or that sequestration of emissions from prior
21 years has failed, resulting in the release of
22 carbon dioxide into the atmosphere, the owner of
23 the facility must offset excess emissions. Any
24 such carbon offsets must be permanent, additional,
25 verifiable, real, located within the State of
26 Illinois, and legally and practicably enforceable.

1 The cost of such offsets for the facility that are
2 not recoverable shall not exceed \$15 million in
3 any given year. No costs of any such purchases of
4 carbon offsets may be recovered from a utility or
5 its customers. All carbon offsets purchased for
6 this purpose and any carbon emission credits
7 associated with sequestration of carbon from the
8 facility must be permanently retired. The initial
9 clean coal facility shall not forfeit its
10 designation as a clean coal facility if the
11 facility fails to fully comply with the applicable
12 carbon sequestration requirements in any given
13 year, provided the requisite offsets are
14 purchased. However, the Attorney General, on
15 behalf of the People of the State of Illinois, may
16 specifically enforce the facility's sequestration
17 requirement and the other terms of this contract
18 provision. Compliance with the sequestration
19 requirements and offset purchase requirements
20 specified in paragraph (3) of this subsection (d)
21 shall be reviewed annually by an independent
22 expert retained by the owner of the initial clean
23 coal facility, with the advance written approval
24 of the Attorney General. The Commission may, in
25 the course of the review specified in item (vii),
26 reduce the allowable return on equity for the

1 facility if the facility willfully fails to comply
2 with the carbon capture and sequestration
3 requirements set forth in this item (v);

4 (vi) include limits on, and accordingly
5 provide for modification of, the amount the
6 utility is required to source under the sourcing
7 agreement consistent with paragraph (2) of this
8 subsection (d);

9 (vii) require Commission review: (1) to
10 determine the justness, reasonableness, and
11 prudence of the inputs to the formula referenced
12 in subparagraphs (A)(i) through (A)(iii) of
13 paragraph (3) of this subsection (d), prior to an
14 adjustment in those inputs including, without
15 limitation, the capital structure and return on
16 equity, fuel costs, and other operations and
17 maintenance costs and (2) to approve the costs to
18 be passed through to customers under the sourcing
19 agreement by which the utility satisfies its
20 statutory obligations. Commission review shall
21 occur no less than every 3 years, regardless of
22 whether any adjustments have been proposed, and
23 shall be completed within 9 months;

24 (viii) limit the utility's obligation to such
25 amount as the utility is allowed to recover
26 through tariffs filed with the Commission,

1 provided that neither the clean coal facility nor
2 the utility waives any right to assert federal
3 pre-emption or any other argument in response to a
4 purported disallowance of recovery costs;

5 (ix) limit the utility's or alternative retail
6 electric supplier's obligation to incur any
7 liability until such time as the facility is in
8 commercial operation and generating power and
9 energy and such power and energy is being
10 delivered to the facility busbar;

11 (x) provide that the owner or owners of the
12 initial clean coal facility, which is the
13 counterparty to such sourcing agreement, shall
14 have the right from time to time to elect whether
15 the obligations of the utility party thereto shall
16 be governed by the power purchase provisions or
17 the contract for differences provisions;

18 (xi) append documentation showing that the
19 formula rate and contract, insofar as they relate
20 to the power purchase provisions, have been
21 approved by the Federal Energy Regulatory
22 Commission pursuant to Section 205 of the Federal
23 Power Act;

24 (xii) provide that any changes to the terms of
25 the contract, insofar as such changes relate to
26 the power purchase provisions, are subject to

1 review under the public interest standard applied
2 by the Federal Energy Regulatory Commission
3 pursuant to Sections 205 and 206 of the Federal
4 Power Act; and

5 (xiii) conform with customary lender
6 requirements in power purchase agreements used as
7 the basis for financing non-utility generators.

8 (4) Effective date of sourcing agreements with the
9 initial clean coal facility. Any proposed sourcing
10 agreement with the initial clean coal facility shall not
11 become effective unless the following reports are prepared
12 and submitted and authorizations and approvals obtained:

13 (i) Facility cost report. The owner of the initial
14 clean coal facility shall submit to the Commission,
15 the Agency, and the General Assembly a front-end
16 engineering and design study, a facility cost report,
17 method of financing (including but not limited to
18 structure and associated costs), and an operating and
19 maintenance cost quote for the facility (collectively
20 "facility cost report"), which shall be prepared in
21 accordance with the requirements of this paragraph (4)
22 of subsection (d) of this Section, and shall provide
23 the Commission and the Agency access to the work
24 papers, relied upon documents, and any other backup
25 documentation related to the facility cost report.

26 (ii) Commission report. Within 6 months following

1 receipt of the facility cost report, the Commission,
2 in consultation with the Agency, shall submit a report
3 to the General Assembly setting forth its analysis of
4 the facility cost report. Such report shall include,
5 but not be limited to, a comparison of the costs
6 associated with electricity generated by the initial
7 clean coal facility to the costs associated with
8 electricity generated by other types of generation
9 facilities, an analysis of the rate impacts on
10 residential and small business customers over the life
11 of the sourcing agreements, and an analysis of the
12 likelihood that the initial clean coal facility will
13 commence commercial operation by and be delivering
14 power to the facility's busbar by 2016. To assist in
15 the preparation of its report, the Commission, in
16 consultation with the Agency, may hire one or more
17 experts or consultants, the costs of which shall be
18 paid for by the owner of the initial clean coal
19 facility. The Commission and Agency may begin the
20 process of selecting such experts or consultants prior
21 to receipt of the facility cost report.

22 (iii) General Assembly approval. The proposed
23 sourcing agreements shall not take effect unless,
24 based on the facility cost report and the Commission's
25 report, the General Assembly enacts authorizing
26 legislation approving (A) the projected price, stated

1 in cents per kilowatthour, to be charged for
2 electricity generated by the initial clean coal
3 facility, (B) the projected impact on residential and
4 small business customers' bills over the life of the
5 sourcing agreements, and (C) the maximum allowable
6 return on equity for the project; and

7 (iv) Commission review. If the General Assembly
8 enacts authorizing legislation pursuant to
9 subparagraph (iii) approving a sourcing agreement, the
10 Commission shall, within 90 days of such enactment,
11 complete a review of such sourcing agreement. During
12 such time period, the Commission shall implement any
13 directive of the General Assembly, resolve any
14 disputes between the parties to the sourcing agreement
15 concerning the terms of such agreement, approve the
16 form of such agreement, and issue an order finding
17 that the sourcing agreement is prudent and reasonable.
18 The facility cost report shall be prepared as follows:

19 (A) The facility cost report shall be prepared by
20 duly licensed engineering and construction firms
21 detailing the estimated capital costs payable to one
22 or more contractors or suppliers for the engineering,
23 procurement and construction of the components
24 comprising the initial clean coal facility and the
25 estimated costs of operation and maintenance of the
26 facility. The facility cost report shall include:

1 (i) an estimate of the capital cost of the
2 core plant based on one or more front end
3 engineering and design studies for the
4 gasification island and related facilities. The
5 core plant shall include all civil, structural,
6 mechanical, electrical, control, and safety
7 systems.

8 (ii) an estimate of the capital cost of the
9 balance of the plant, including any capital costs
10 associated with sequestration of carbon dioxide
11 emissions and all interconnects and interfaces
12 required to operate the facility, such as
13 transmission of electricity, construction or
14 backfeed power supply, pipelines to transport
15 substitute natural gas or carbon dioxide, potable
16 water supply, natural gas supply, water supply,
17 water discharge, landfill, access roads, and coal
18 delivery.

19 The quoted construction costs shall be expressed
20 in nominal dollars as of the date that the quote is
21 prepared and shall include capitalized financing costs
22 during construction, taxes, insurance, and other
23 owner's costs, and an assumed escalation in materials
24 and labor beyond the date as of which the construction
25 cost quote is expressed.

26 (B) The front end engineering and design study for

1 the gasification island and the cost study for the
2 balance of plant shall include sufficient design work
3 to permit quantification of major categories of
4 materials, commodities and labor hours, and receipt of
5 quotes from vendors of major equipment required to
6 construct and operate the clean coal facility.

7 (C) The facility cost report shall also include an
8 operating and maintenance cost quote that will provide
9 the estimated cost of delivered fuel, personnel,
10 maintenance contracts, chemicals, catalysts,
11 consumables, spares, and other fixed and variable
12 operations and maintenance costs. The delivered fuel
13 cost estimate will be provided by a recognized third
14 party expert or experts in the fuel and transportation
15 industries. The balance of the operating and
16 maintenance cost quote, excluding delivered fuel
17 costs, will be developed based on the inputs provided
18 by duly licensed engineering and construction firms
19 performing the construction cost quote, potential
20 vendors under long-term service agreements and plant
21 operating agreements, or recognized third party plant
22 operator or operators.

23 The operating and maintenance cost quote
24 (including the cost of the front end engineering and
25 design study) shall be expressed in nominal dollars as
26 of the date that the quote is prepared and shall

1 include taxes, insurance, and other owner's costs, and
2 an assumed escalation in materials and labor beyond
3 the date as of which the operating and maintenance
4 cost quote is expressed.

5 (D) The facility cost report shall also include an
6 analysis of the initial clean coal facility's ability
7 to deliver power and energy into the applicable
8 regional transmission organization markets and an
9 analysis of the expected capacity factor for the
10 initial clean coal facility.

11 (E) Amounts paid to third parties unrelated to the
12 owner or owners of the initial clean coal facility to
13 prepare the core plant construction cost quote,
14 including the front end engineering and design study,
15 and the operating and maintenance cost quote will be
16 reimbursed through Coal Development Bonds.

17 (5) Re-powering and retrofitting coal-fired power
18 plants previously owned by Illinois utilities to qualify
19 as clean coal facilities. During the 2009 procurement
20 planning process and thereafter, the Agency and the
21 Commission shall consider sourcing agreements covering
22 electricity generated by power plants that were previously
23 owned by Illinois utilities and that have been or will be
24 converted into clean coal facilities, as defined by
25 Section 1-10 of this Act. Pursuant to such procurement
26 planning process, the owners of such facilities may

1 propose to the Agency sourcing agreements with utilities
2 and alternative retail electric suppliers required to
3 comply with subsection (d) of this Section and item (5) of
4 subsection (d) of Section 16-115 of the Public Utilities
5 Act, covering electricity generated by such facilities. In
6 the case of sourcing agreements that are power purchase
7 agreements, the contract price for electricity sales shall
8 be established on a cost of service basis. In the case of
9 sourcing agreements that are contracts for differences,
10 the contract price from which the reference price is
11 subtracted shall be established on a cost of service
12 basis. The Agency and the Commission may approve any such
13 utility sourcing agreements that do not exceed cost-based
14 benchmarks developed by the procurement administrator, in
15 consultation with the Commission staff, Agency staff and
16 the procurement monitor, subject to Commission review and
17 approval. The Commission shall have authority to inspect
18 all books and records associated with these clean coal
19 facilities during the term of any such contract.

20 (6) Costs incurred under this subsection (d) or
21 pursuant to a contract entered into under this subsection
22 (d) shall be deemed prudently incurred and reasonable in
23 amount and the electric utility shall be entitled to full
24 cost recovery pursuant to the tariffs filed with the
25 Commission.

26 (d-5) Zero emission standard.

1 (1) Beginning with the delivery year commencing on
2 June 1, 2017, the Agency shall, for electric utilities
3 that serve at least 100,000 retail customers in this
4 State, procure contracts with zero emission facilities
5 that are reasonably capable of generating cost-effective
6 zero emission credits in an amount approximately equal to
7 16% of the actual amount of electricity delivered by each
8 electric utility to retail customers in the State during
9 calendar year 2014. For an electric utility serving fewer
10 than 100,000 retail customers in this State that
11 requested, under Section 16-111.5 of the Public Utilities
12 Act, that the Agency procure power and energy for all or a
13 portion of the utility's Illinois load for the delivery
14 year commencing June 1, 2016, the Agency shall procure
15 contracts with zero emission facilities that are
16 reasonably capable of generating cost-effective zero
17 emission credits in an amount approximately equal to 16%
18 of the portion of power and energy to be procured by the
19 Agency for the utility. The duration of the contracts
20 procured under this subsection (d-5) shall be for a term
21 of 10 years ending May 31, 2027. The quantity of zero
22 emission credits to be procured under the contracts shall
23 be all of the zero emission credits generated by the zero
24 emission facility in each delivery year; however, if the
25 zero emission facility is owned by more than one entity,
26 then the quantity of zero emission credits to be procured

1 under the contracts shall be the amount of zero emission
2 credits that are generated from the portion of the zero
3 emission facility that is owned by the winning supplier.

4 The 16% value identified in this paragraph (1) is the
5 average of the percentage targets in subparagraph (B) of
6 paragraph (1) of subsection (c) of this Section for the 5
7 delivery years beginning June 1, 2017.

8 The procurement process shall be subject to the
9 following provisions:

10 (A) Those zero emission facilities that intend to
11 participate in the procurement shall submit to the
12 Agency the following eligibility information for each
13 zero emission facility on or before the date
14 established by the Agency:

15 (i) the in-service date and remaining useful
16 life of the zero emission facility;

17 (ii) the amount of power generated annually
18 for each of the years 2005 through 2015, and the
19 projected zero emission credits to be generated
20 over the remaining useful life of the zero
21 emission facility, which shall be used to
22 determine the capability of each facility;

23 (iii) the annual zero emission facility cost
24 projections, expressed on a per megawatthour
25 basis, over the next 6 delivery years, which shall
26 include the following: operation and maintenance

1 expenses; fully allocated overhead costs, which
2 shall be allocated using the methodology developed
3 by the Institute for Nuclear Power Operations;
4 fuel expenditures; non-fuel capital expenditures;
5 spent fuel expenditures; a return on working
6 capital; the cost of operational and market risks
7 that could be avoided by ceasing operation; and
8 any other costs necessary for continued
9 operations, provided that "necessary" means, for
10 purposes of this item (iii), that the costs could
11 reasonably be avoided only by ceasing operations
12 of the zero emission facility; and

13 (iv) a commitment to continue operating, for
14 the duration of the contract or contracts executed
15 under the procurement held under this subsection
16 (d-5), the zero emission facility that produces
17 the zero emission credits to be procured in the
18 procurement.

19 The information described in item (iii) of this
20 subparagraph (A) may be submitted on a confidential
21 basis and shall be treated and maintained by the
22 Agency, the procurement administrator, and the
23 Commission as confidential and proprietary and exempt
24 from disclosure under subparagraphs (a) and (g) of
25 paragraph (1) of Section 7 of the Freedom of
26 Information Act. The Office of Attorney General shall

1 have access to, and maintain the confidentiality of,
2 such information pursuant to Section 6.5 of the
3 Attorney General Act.

4 (B) The price for each zero emission credit
5 procured under this subsection (d-5) for each delivery
6 year shall be in an amount that equals the Social Cost
7 of Carbon, expressed on a price per megawatthour
8 basis. However, to ensure that the procurement remains
9 affordable to retail customers in this State if
10 electricity prices increase, the price in an
11 applicable delivery year shall be reduced below the
12 Social Cost of Carbon by the amount ("Price
13 Adjustment") by which the market price index for the
14 applicable delivery year exceeds the baseline market
15 price index for the consecutive 12-month period ending
16 May 31, 2016. If the Price Adjustment is greater than
17 or equal to the Social Cost of Carbon in an applicable
18 delivery year, then no payments shall be due in that
19 delivery year. The components of this calculation are
20 defined as follows:

21 (i) Social Cost of Carbon: The Social Cost of
22 Carbon is \$16.50 per megawatthour, which is based
23 on the U.S. Interagency Working Group on Social
24 Cost of Carbon's price in the August 2016
25 Technical Update using a 3% discount rate,
26 adjusted for inflation for each year of the

1 program. Beginning with the delivery year
2 commencing June 1, 2023, the price per
3 megawatthour shall increase by \$1 per
4 megawatthour, and continue to increase by an
5 additional \$1 per megawatthour each delivery year
6 thereafter.

7 (ii) Baseline market price index: The baseline
8 market price index for the consecutive 12-month
9 period ending May 31, 2016 is \$31.40 per
10 megawatthour, which is based on the sum of (aa)
11 the average day-ahead energy price across all
12 hours of such 12-month period at the PJM
13 Interconnection LLC Northern Illinois Hub, (bb)
14 50% multiplied by the Base Residual Auction, or
15 its successor, capacity price for the rest of the
16 RTO zone group determined by PJM Interconnection
17 LLC, divided by 24 hours per day, and (cc) 50%
18 multiplied by the Planning Resource Auction, or
19 its successor, capacity price for Zone 4
20 determined by the Midcontinent Independent System
21 Operator, Inc., divided by 24 hours per day.

22 (iii) Market price index: The market price
23 index for a delivery year shall be the sum of
24 projected energy prices and projected capacity
25 prices determined as follows:

26 (aa) Projected energy prices: the

1 projected energy prices for the applicable
2 delivery year shall be calculated once for the
3 year using the forward market price for the
4 PJM Interconnection, LLC Northern Illinois
5 Hub. The forward market price shall be
6 calculated as follows: the energy forward
7 prices for each month of the applicable
8 delivery year averaged for each trade date
9 during the calendar year immediately preceding
10 that delivery year to produce a single energy
11 forward price for the delivery year. The
12 forward market price calculation shall use
13 data published by the Intercontinental
14 Exchange, or its successor.

15 (bb) Projected capacity prices:

16 (I) For the delivery years commencing
17 June 1, 2017, June 1, 2018, and June 1,
18 2019, the projected capacity price shall
19 be equal to the sum of (1) 50% multiplied
20 by the Base Residual Auction, or its
21 successor, price for the rest of the RTO
22 zone group as determined by PJM
23 Interconnection LLC, divided by 24 hours
24 per day and, (2) 50% multiplied by the
25 resource auction price determined in the
26 resource auction administered by the

1 Midcontinent Independent System Operator,
2 Inc., in which the largest percentage of
3 load cleared for Local Resource Zone 4,
4 divided by 24 hours per day, and where
5 such price is determined by the
6 Midcontinent Independent System Operator,
7 Inc.

8 (II) For the delivery year commencing
9 June 1, 2020, and each year thereafter,
10 the projected capacity price shall be
11 equal to the sum of (1) 50% multiplied by
12 the Base Residual Auction, or its
13 successor, price for the ComEd zone as
14 determined by PJM Interconnection LLC,
15 divided by 24 hours per day, and (2) 50%
16 multiplied by the resource auction price
17 determined in the resource auction
18 administered by the Midcontinent
19 Independent System Operator, Inc., in
20 which the largest percentage of load
21 cleared for Local Resource Zone 4, divided
22 by 24 hours per day, and where such price
23 is determined by the Midcontinent
24 Independent System Operator, Inc.

25 For purposes of this subsection (d-5):

26 "Rest of the RTO" and "ComEd Zone" shall have

1 the meaning ascribed to them by PJM
2 Interconnection, LLC.

3 "RTO" means regional transmission
4 organization.

5 (C) No later than 45 days after June 1, 2017 (the
6 effective date of Public Act 99-906), the Agency shall
7 publish its proposed zero emission standard
8 procurement plan. The plan shall be consistent with
9 the provisions of this paragraph (1) and shall provide
10 that winning bids shall be selected based on public
11 interest criteria that include, but are not limited
12 to, minimizing carbon dioxide emissions that result
13 from electricity consumed in Illinois and minimizing
14 sulfur dioxide, nitrogen oxide, and particulate matter
15 emissions that adversely affect the citizens of this
16 State. In particular, the selection of winning bids
17 shall take into account the incremental environmental
18 benefits resulting from the procurement, such as any
19 existing environmental benefits that are preserved by
20 the procurements held under Public Act 99-906 and
21 would cease to exist if the procurements were not
22 held, including the preservation of zero emission
23 facilities. The plan shall also describe in detail how
24 each public interest factor shall be considered and
25 weighted in the bid selection process to ensure that
26 the public interest criteria are applied to the

1 procurement and given full effect.

2 For purposes of developing the plan, the Agency
3 shall consider any reports issued by a State agency,
4 board, or commission under House Resolution 1146 of
5 the 98th General Assembly and paragraph (4) of
6 subsection (d) of this Section, as well as publicly
7 available analyses and studies performed by or for
8 regional transmission organizations that serve the
9 State and their independent market monitors.

10 Upon publishing of the zero emission standard
11 procurement plan, copies of the plan shall be posted
12 and made publicly available on the Agency's website.
13 All interested parties shall have 10 days following
14 the date of posting to provide comment to the Agency on
15 the plan. All comments shall be posted to the Agency's
16 website. Following the end of the comment period, but
17 no more than 60 days later than June 1, 2017 (the
18 effective date of Public Act 99-906), the Agency shall
19 revise the plan as necessary based on the comments
20 received and file its zero emission standard
21 procurement plan with the Commission.

22 If the Commission determines that the plan will
23 result in the procurement of cost-effective zero
24 emission credits, then the Commission shall, after
25 notice and hearing, but no later than 45 days after the
26 Agency filed the plan, approve the plan or approve

1 with modification. For purposes of this subsection
2 (d-5), "cost effective" means the projected costs of
3 procuring zero emission credits from zero emission
4 facilities do not cause the limit stated in paragraph
5 (2) of this subsection to be exceeded.

6 (C-5) As part of the Commission's review and
7 acceptance or rejection of the procurement results,
8 the Commission shall, in its public notice of
9 successful bidders:

10 (i) identify how the winning bids satisfy the
11 public interest criteria described in subparagraph
12 (C) of this paragraph (1) of minimizing carbon
13 dioxide emissions that result from electricity
14 consumed in Illinois and minimizing sulfur
15 dioxide, nitrogen oxide, and particulate matter
16 emissions that adversely affect the citizens of
17 this State;

18 (ii) specifically address how the selection of
19 winning bids takes into account the incremental
20 environmental benefits resulting from the
21 procurement, including any existing environmental
22 benefits that are preserved by the procurements
23 held under Public Act 99-906 and would have ceased
24 to exist if the procurements had not been held,
25 such as the preservation of zero emission
26 facilities;

1 (iii) quantify the environmental benefit of
2 preserving the resources identified in item (ii)
3 of this subparagraph (C-5), including the
4 following:

5 (aa) the value of avoided greenhouse gas
6 emissions measured as the product of the zero
7 emission facilities' output over the contract
8 term multiplied by the U.S. Environmental
9 Protection Agency eGrid subregion carbon
10 dioxide emission rate and the U.S. Interagency
11 Working Group on Social Cost of Carbon's price
12 in the August 2016 Technical Update using a 3%
13 discount rate, adjusted for inflation for each
14 delivery year; and

15 (bb) the costs of replacement with other
16 zero carbon dioxide resources, including wind
17 and photovoltaic, based upon the simple
18 average of the following:

19 (I) the price, or if there is more
20 than one price, the average of the prices,
21 paid for renewable energy credits from new
22 utility-scale wind projects in the
23 procurement events specified in item (i)
24 of subparagraph (G) of paragraph (1) of
25 subsection (c) of this Section; and

26 (II) the price, or if there is more

1 than one price, the average of the prices,
2 paid for renewable energy credits from new
3 utility-scale solar projects and
4 brownfield site photovoltaic projects in
5 the procurement events specified in item
6 (ii) of subparagraph (G) of paragraph (1)
7 of subsection (c) of this Section and,
8 after January 1, 2015, renewable energy
9 credits from photovoltaic distributed
10 generation projects in procurement events
11 held under subsection (c) of this Section.

12 Each utility shall enter into binding contractual
13 arrangements with the winning suppliers.

14 The procurement described in this subsection
15 (d-5), including, but not limited to, the execution of
16 all contracts procured, shall be completed no later
17 than May 10, 2017. Based on the effective date of
18 Public Act 99-906, the Agency and Commission may, as
19 appropriate, modify the various dates and timelines
20 under this subparagraph and subparagraphs (C) and (D)
21 of this paragraph (1). The procurement and plan
22 approval processes required by this subsection (d-5)
23 shall be conducted in conjunction with the procurement
24 and plan approval processes required by subsection (c)
25 of this Section and Section 16-111.5 of the Public
26 Utilities Act, to the extent practicable.

1 Notwithstanding whether a procurement event is
2 conducted under Section 16-111.5 of the Public
3 Utilities Act, the Agency shall immediately initiate a
4 procurement process on June 1, 2017 (the effective
5 date of Public Act 99-906).

6 (D) Following the procurement event described in
7 this paragraph (1) and consistent with subparagraph
8 (B) of this paragraph (1), the Agency shall calculate
9 the payments to be made under each contract for the
10 next delivery year based on the market price index for
11 that delivery year. The Agency shall publish the
12 payment calculations no later than May 25, 2017 and
13 every May 25 thereafter.

14 (E) Notwithstanding the requirements of this
15 subsection (d-5), the contracts executed under this
16 subsection (d-5) shall provide that the zero emission
17 facility may, as applicable, suspend or terminate
18 performance under the contracts in the following
19 instances:

20 (i) A zero emission facility shall be excused
21 from its performance under the contract for any
22 cause beyond the control of the resource,
23 including, but not restricted to, acts of God,
24 flood, drought, earthquake, storm, fire,
25 lightning, epidemic, war, riot, civil disturbance
26 or disobedience, labor dispute, labor or material

1 shortage, sabotage, acts of public enemy,
2 explosions, orders, regulations or restrictions
3 imposed by governmental, military, or lawfully
4 established civilian authorities, which, in any of
5 the foregoing cases, by exercise of commercially
6 reasonable efforts the zero emission facility
7 could not reasonably have been expected to avoid,
8 and which, by the exercise of commercially
9 reasonable efforts, it has been unable to
10 overcome. In such event, the zero emission
11 facility shall be excused from performance for the
12 duration of the event, including, but not limited
13 to, delivery of zero emission credits, and no
14 payment shall be due to the zero emission facility
15 during the duration of the event.

16 (ii) A zero emission facility shall be
17 permitted to terminate the contract if legislation
18 is enacted into law by the General Assembly that
19 imposes or authorizes a new tax, special
20 assessment, or fee on the generation of
21 electricity, the ownership or leasehold of a
22 generating unit, or the privilege or occupation of
23 such generation, ownership, or leasehold of
24 generation units by a zero emission facility.
25 However, the provisions of this item (ii) do not
26 apply to any generally applicable tax, special

1 assessment or fee, or requirements imposed by
2 federal law.

3 (iii) A zero emission facility shall be
4 permitted to terminate the contract in the event
5 that the resource requires capital expenditures in
6 excess of \$40,000,000 that were neither known nor
7 reasonably foreseeable at the time it executed the
8 contract and that a prudent owner or operator of
9 such resource would not undertake.

10 (iv) A zero emission facility shall be
11 permitted to terminate the contract in the event
12 the Nuclear Regulatory Commission terminates the
13 resource's license.

14 (F) If the zero emission facility elects to
15 terminate a contract under subparagraph (E) of this
16 paragraph (1), then the Commission shall reopen the
17 docket in which the Commission approved the zero
18 emission standard procurement plan under subparagraph
19 (C) of this paragraph (1) and, after notice and
20 hearing, enter an order acknowledging the contract
21 termination election if such termination is consistent
22 with the provisions of this subsection (d-5).

23 (2) For purposes of this subsection (d-5), the amount
24 paid per kilowatthour means the total amount paid for
25 electric service expressed on a per kilowatthour basis.
26 For purposes of this subsection (d-5), the total amount

1 paid for electric service includes, without limitation,
2 amounts paid for supply, transmission, distribution,
3 surcharges, and add-on taxes.

4 Notwithstanding the requirements of this subsection
5 (d-5), the contracts executed under this subsection (d-5)
6 shall provide that the total of zero emission credits
7 procured under a procurement plan shall be subject to the
8 limitations of this paragraph (2). For each delivery year,
9 the contractual volume receiving payments in such year
10 shall be reduced for all retail customers based on the
11 amount necessary to limit the net increase that delivery
12 year to the costs of those credits included in the amounts
13 paid by eligible retail customers in connection with
14 electric service to no more than 1.65% of the amount paid
15 per kilowatthour by eligible retail customers during the
16 year ending May 31, 2009. The result of this computation
17 shall apply to and reduce the procurement for all retail
18 customers, and all those customers shall pay the same
19 single, uniform cents per kilowatthour charge under
20 subsection (k) of Section 16-108 of the Public Utilities
21 Act. To arrive at a maximum dollar amount of zero emission
22 credits to be paid for the particular delivery year, the
23 resulting per kilowatthour amount shall be applied to the
24 actual amount of kilowatthours of electricity delivered by
25 the electric utility in the delivery year immediately
26 prior to the procurement, to all retail customers in its

1 service territory. Unpaid contractual volume for any
2 delivery year shall be paid in any subsequent delivery
3 year in which such payments can be made without exceeding
4 the amount specified in this paragraph (2). The
5 calculations required by this paragraph (2) shall be made
6 only once for each procurement plan year. Once the
7 determination as to the amount of zero emission credits to
8 be paid is made based on the calculations set forth in this
9 paragraph (2), no subsequent rate impact determinations
10 shall be made and no adjustments to those contract amounts
11 shall be allowed. All costs incurred under those contracts
12 and in implementing this subsection (d-5) shall be
13 recovered by the electric utility as provided in this
14 Section.

15 No later than June 30, 2019, the Commission shall
16 review the limitation on the amount of zero emission
17 credits procured under this subsection (d-5) and report to
18 the General Assembly its findings as to whether that
19 limitation unduly constrains the procurement of
20 cost-effective zero emission credits.

21 (3) Six years after the execution of a contract under
22 this subsection (d-5), the Agency shall determine whether
23 the actual zero emission credit payments received by the
24 supplier over the 6-year period exceed the Average ZEC
25 Payment. In addition, at the end of the term of a contract
26 executed under this subsection (d-5), or at the time, if

1 any, a zero emission facility's contract is terminated
2 under subparagraph (E) of paragraph (1) of this subsection
3 (d-5), then the Agency shall determine whether the actual
4 zero emission credit payments received by the supplier
5 over the term of the contract exceed the Average ZEC
6 Payment, after taking into account any amounts previously
7 credited back to the utility under this paragraph (3). If
8 the Agency determines that the actual zero emission credit
9 payments received by the supplier over the relevant period
10 exceed the Average ZEC Payment, then the supplier shall
11 credit the difference back to the utility. The amount of
12 the credit shall be remitted to the applicable electric
13 utility no later than 120 days after the Agency's
14 determination, which the utility shall reflect as a credit
15 on its retail customer bills as soon as practicable;
16 however, the credit remitted to the utility shall not
17 exceed the total amount of payments received by the
18 facility under its contract.

19 For purposes of this Section, the Average ZEC Payment
20 shall be calculated by multiplying the quantity of zero
21 emission credits delivered under the contract times the
22 average contract price. The average contract price shall
23 be determined by subtracting the amount calculated under
24 subparagraph (B) of this paragraph (3) from the amount
25 calculated under subparagraph (A) of this paragraph (3),
26 as follows:

1 (A) The average of the Social Cost of Carbon, as
2 defined in subparagraph (B) of paragraph (1) of this
3 subsection (d-5), during the term of the contract.

4 (B) The average of the market price indices, as
5 defined in subparagraph (B) of paragraph (1) of this
6 subsection (d-5), during the term of the contract,
7 minus the baseline market price index, as defined in
8 subparagraph (B) of paragraph (1) of this subsection
9 (d-5).

10 If the subtraction yields a negative number, then the
11 Average ZEC Payment shall be zero.

12 (4) Cost-effective zero emission credits procured from
13 zero emission facilities shall satisfy the applicable
14 definitions set forth in Section 1-10 of this Act.

15 (5) The electric utility shall retire all zero
16 emission credits used to comply with the requirements of
17 this subsection (d-5).

18 (6) Electric utilities shall be entitled to recover
19 all of the costs associated with the procurement of zero
20 emission credits through an automatic adjustment clause
21 tariff in accordance with subsection (k) and (m) of
22 Section 16-108 of the Public Utilities Act, and the
23 contracts executed under this subsection (d-5) shall
24 provide that the utilities' payment obligations under such
25 contracts shall be reduced if an adjustment is required
26 under subsection (m) of Section 16-108 of the Public

1 Utilities Act.

2 (7) This subsection (d-5) shall become inoperative on
3 January 1, 2028.

4 (d-10) Nuclear Plant Assistance; carbon mitigation
5 credits.

6 (1) The General Assembly finds:

7 (A) The health, welfare, and prosperity of all
8 Illinois citizens require that the State of Illinois act
9 to avoid and not increase carbon emissions from electric
10 generation sources while continuing to ensure affordable,
11 stable, and reliable electricity to all citizens.

12 (B) Absent immediate action by the State to preserve
13 existing carbon-free energy resources, those resources may
14 retire, and the electric generation needs of Illinois'
15 retail customers may be met instead by facilities that
16 emit significant amounts of carbon pollution and other
17 harmful air pollutants at a high social and economic cost
18 until Illinois is able to develop other forms of clean
19 energy.

20 (C) The General Assembly finds that nuclear power
21 generation is necessary for the State's transition to 100%
22 clean energy, and ensuring continued operation of nuclear
23 plants advances environmental and public health interests
24 through providing carbon-free electricity while reducing
25 the air pollution profile of the Illinois energy
26 generation fleet.

1 (D) The clean energy attributes of nuclear generation
2 facilities support the State in its efforts to achieve
3 100% clean energy.

4 (E) The State currently invests in various forms of
5 clean energy, including, but not limited to, renewable
6 energy, energy efficiency, and low-emission vehicles,
7 among others.

8 (F) The Environmental Protection Agency commissioned
9 an independent audit which provided a detailed assessment
10 of the financial condition of the Illinois nuclear fleet
11 to evaluate its financial viability and whether the
12 environmental benefits of such resources were at risk. The
13 report identified the risk of losing the environmental
14 benefits of several specific nuclear units. The report
15 also identified that the LaSalle County Generating Station
16 will continue to operate through 2026 and therefore is not
17 eligible to participate in the carbon mitigation credit
18 program.

19 (G) Nuclear plants provide carbon-free energy, which
20 helps to avoid many health-related negative impacts for
21 Illinois residents.

22 (H) The procurement of carbon mitigation credits
23 representing the environmental benefits of carbon-free
24 generation will further the State's efforts at achieving
25 100% clean energy and decarbonizing the electricity sector
26 in a safe, reliable, and affordable manner. Further, the

1 procurement of carbon emission credits will enhance the
2 health and welfare of Illinois residents through decreased
3 reliance on more highly polluting generation.

4 (I) The General Assembly therefore finds it necessary
5 to establish carbon mitigation credits to ensure decreased
6 reliance on more carbon-intensive energy resources, for
7 transitioning to a fully decarbonized electricity sector,
8 and to help ensure health and welfare of the State's
9 residents.

10 (2) As used in this subsection:

11 "Baseline costs" means costs used to establish a customer
12 protection cap that have been evaluated through an independent
13 audit of a carbon-free energy resource conducted by the
14 Environmental Protection Agency that evaluated projected
15 annual costs for operation and maintenance expenses; fully
16 allocated overhead costs, which shall be allocated using the
17 methodology developed by the Institute for Nuclear Power
18 Operations; fuel expenditures; nonfuel capital expenditures;
19 spent fuel expenditures; a return on working capital; the cost
20 of operational and market risks that could be avoided by
21 ceasing operation; and any other costs necessary for continued
22 operations, provided that "necessary" means, for purposes of
23 this definition, that the costs could reasonably be avoided
24 only by ceasing operations of the carbon-free energy resource.

25 "Carbon mitigation credit" means a tradable credit that
26 represents the carbon emission reduction attributes of one

1 megawatt-hour of energy produced from a carbon-free energy
2 resource.

3 "Carbon-free energy resource" means a generation facility
4 that: (1) is fueled by nuclear power; and (2) is
5 interconnected to PJM Interconnection, LLC.

6 (3) Procurement.

7 (A) Beginning with the delivery year commencing on
8 June 1, 2022, the Agency shall, for electric utilities
9 servng at least 3,000,000 retail customers in the State,
10 seek to procure contracts for no more than approximately
11 54,500,000 cost-effective carbon mitigation credits from
12 carbon-free energy resources because such credits are
13 necessary to support current levels of carbon-free energy
14 generation and ensure the State meets its carbon dioxide
15 emissions reduction goals. The Agency shall not make a
16 partial award of a contract for carbon mitigation credits
17 covering a fractional amount of a carbon-free energy
18 resource's projected output.

19 (B) Each carbon-free energy resource that intends to
20 participate in a procurement shall be required to submit
21 to the Agency the following information for the resource
22 on or before the date established by the Agency:

23 (i) the in-service date and remaining useful life
24 of the carbon-free energy resource;

25 (ii) the amount of power generated annually for
26 each of the past 10 years, which shall be used to

1 determine the capability of each facility;

2 (iii) a commitment to be reflected in any contract
3 entered into pursuant to this subsection (d-10) to
4 continue operating the carbon-free energy resource at
5 a capacity factor of at least 88% annually on average
6 for the duration of the contract or contracts executed
7 under the procurement held under this subsection
8 (d-10), except in an instance described in
9 subparagraph (E) of paragraph (1) of subsection (d-5)
10 of this Section or made impracticable as a result of
11 compliance with law or regulation;

12 (iv) financial need and the risk of loss of the
13 environmental benefits of such resource, which shall
14 include the following information:

15 (I) the carbon-free energy resource's cost
16 projections, expressed on a per megawatt-hour
17 basis, over the next 5 delivery years, which shall
18 include the following: operation and maintenance
19 expenses; fully allocated overhead costs, which
20 shall be allocated using the methodology developed
21 by the Institute for Nuclear Power Operations;
22 fuel expenditures; nonfuel capital expenditures;
23 spent fuel expenditures; a return on working
24 capital; the cost of operational and market risks
25 that could be avoided by ceasing operation; and
26 any other costs necessary for continued

1 operations, provided that "necessary" means, for
2 purposes of this subitem (I), that the costs could
3 reasonably be avoided only by ceasing operations
4 of the carbon-free energy resource; and

5 (II) the carbon-free energy resource's revenue
6 projections, including energy, capacity, ancillary
7 services, any other direct State support, known or
8 anticipated federal attribute credits, known or
9 anticipated tax credits, and any other direct
10 federal support.

11 The information described in this subparagraph (B) may
12 be submitted on a confidential basis and shall be treated
13 and maintained by the Agency, the procurement
14 administrator, and the Commission as confidential and
15 proprietary and exempt from disclosure under subparagraphs
16 (a) and (g) of paragraph (1) of Section 7 of the Freedom of
17 Information Act. The Office of the Attorney General shall
18 have access to, and maintain the confidentiality of, such
19 information pursuant to Section 6.5 of the Attorney
20 General Act.

21 (C) The Agency shall solicit bids for the contracts
22 described in this subsection (d-10) from carbon-free
23 energy resources that have satisfied the requirements of
24 subparagraph (B) of this paragraph (3). The contracts
25 procured pursuant to a procurement event shall reflect,
26 and be subject to, the following terms, requirements, and

1 limitations:

2 (i) Contracts are for delivery of carbon
3 mitigation credits, and are not energy or capacity
4 sales contracts requiring physical delivery. Pursuant
5 to item (iii), contract payments shall fully deduct
6 the value of any monetized federal production tax
7 credits, credits issued pursuant to a federal clean
8 energy standard, and other federal credits if
9 applicable.

10 (ii) Contracts for carbon mitigation credits shall
11 commence with the delivery year beginning on June 1,
12 2022 and shall be for a term of 5 delivery years
13 concluding on May 31, 2027.

14 (iii) The price per carbon mitigation credit to be
15 paid under a contract for a given delivery year shall
16 be equal to an accepted bid price less the sum of:

17 (I) one of the following energy price indices,
18 selected by the bidder at the time of the bid for
19 the term of the contract:

20 (aa) the weighted-average hourly day-ahead
21 price for the applicable delivery year at the
22 busbar of all resources procured pursuant to
23 this subsection (d-10), weighted by actual
24 production from the resources; or

25 (bb) the projected energy price for the
26 PJM Interconnection, LLC Northern Illinois Hub

1 for the applicable delivery year determined
2 according to subitem (aa) of item (iii) of
3 subparagraph (B) of paragraph (1) of
4 subsection (d-5).

5 (II) the Base Residual Auction Capacity Price
6 for the ComEd zone as determined by PJM
7 Interconnection, LLC, divided by 24 hours per day,
8 for the applicable delivery year for the first 3
9 delivery years, and then any subsequent delivery
10 years unless the PJM Interconnection, LLC applies
11 the Minimum Offer Price Rule to participating
12 carbon-free energy resources because they supply
13 carbon mitigation credits pursuant to this Section
14 at which time, upon notice by the carbon-free
15 energy resource to the Commission and subject to
16 the Commission's confirmation, the value under
17 this subitem shall be zero, as further described
18 in the carbon mitigation credit procurement plan;
19 and

20 (III) any value of monetized federal tax
21 credits, direct payments, or similar subsidy
22 provided to the carbon-free energy resource from
23 any unit of government that is not already
24 reflected in energy prices.

25 If the price-per-megawatt-hour calculation
26 performed under item (iii) of this subparagraph (C)

1 for a given delivery year results in a net positive
2 value, then the electric utility counterparty to the
3 contract shall multiply such net value by the
4 applicable contract quantity and remit the amount to
5 the supplier.

6 To protect retail customers from retail rate
7 impacts that may arise upon the initiation of carbon
8 policy changes, if the price-per-megawatt-hour
9 calculation performed under item (iii) of this
10 subparagraph (C) for a given delivery year results in
11 a net negative value, then the supplier counterparty
12 to the contract shall multiply such net value by the
13 applicable contract quantity and remit such amount to
14 the electric utility counterparty. The electric
15 utility shall reflect such amounts remitted by
16 suppliers as a credit on its retail customer bills as
17 soon as practicable.

18 (iv) to ensure that retail customers in Northern
19 Illinois do not pay more for carbon mitigation credits
20 than the value such credits provide, and
21 notwithstanding the provisions of this subsection
22 (d-10), the Agency shall not accept bids for contracts
23 that exceed a customer protection cap equal to the
24 baseline costs of carbon-free energy resources.

25 The baseline costs for the applicable year shall
26 be the following:

1 (I) For the delivery year beginning June 1,
2 2022, the baseline costs shall be an amount equal
3 to \$30.30 per megawatt-hour.

4 (II) For the delivery year beginning June 1,
5 2023, the baseline costs shall be an amount equal
6 to \$32.50 per megawatt-hour.

7 (III) For the delivery year beginning June 1,
8 2024, the baseline costs shall be an amount equal
9 to \$33.43 per megawatt-hour.

10 (IV) For the delivery year beginning June 1,
11 2025, the baseline costs shall be an amount equal
12 to \$33.50 per megawatt-hour.

13 (V) For the delivery year beginning June 1,
14 2026, the baseline costs shall be an amount equal
15 to \$34.50 per megawatt-hour.

16 An Environmental Protection Agency consultant
17 forecast, included in a report issued April 14, 2021,
18 projects that a carbon-free energy resource has the
19 opportunity to earn on average approximately \$30.28
20 per megawatt-hour, for the sale of energy and capacity
21 during the time period between 2022 and 2027.
22 Therefore, the sale of carbon mitigation credits
23 provides the opportunity to receive an additional
24 amount per megawatt-hour in addition to the projected
25 prices for energy and capacity.

26 Although actual energy and capacity prices may

1 vary from year-to-year, the General Assembly finds
2 that this customer protection cap will help ensure
3 that the cost of carbon mitigation credits will be
4 less than its value, based upon the social cost of
5 carbon identified in the Technical Support Document
6 issued in February 2021 by the U.S. Interagency
7 Working Group on Social Cost of Greenhouse Gases and
8 the PJM Interconnection, LLC carbon dioxide marginal
9 emission rate for 2020, and that a carbon-free energy
10 resource receiving payment for carbon mitigation
11 credits receives no more than necessary to keep those
12 units in operation.

13 (D) No later than 7 days after the effective date of
14 this amendatory Act of the 102nd General Assembly, the
15 Agency shall publish its proposed carbon mitigation credit
16 procurement plan. The Plan shall provide that winning bids
17 shall be selected by taking into consideration which
18 resources best match public interest criteria that
19 include, but are not limited to, minimizing carbon dioxide
20 emissions that result from electricity consumed in
21 Illinois and minimizing sulfur dioxide, nitrogen oxide,
22 and particulate matter emissions that adversely affect the
23 citizens of this State. The selection of winning bids
24 shall also take into account the incremental environmental
25 benefits resulting from the procurement or procurements,
26 such as any existing environmental benefits that are

1 preserved by a procurement held under this subsection
2 (d-10) and would cease to exist if the procurement were
3 not held, including the preservation of carbon-free energy
4 resources. For those bidders having the same public
5 interest criteria score, the relative ranking of such
6 bidders shall be determined by price. The Plan shall
7 describe in detail how each public interest factor shall
8 be considered and weighted in the bid selection process to
9 ensure that the public interest criteria are applied to
10 the procurement. The Plan shall, to the extent practical
11 and permissible by federal law, ensure that successful
12 bidders make commercially reasonable efforts to apply for
13 federal tax credits, direct payments, or similar subsidy
14 programs that support carbon-free generation and for which
15 the successful bidder is eligible. Upon publishing of the
16 carbon mitigation credit procurement plan, copies of the
17 plan shall be posted and made publicly available on the
18 Agency's website. All interested parties shall have 7 days
19 following the date of posting to provide comment to the
20 Agency on the plan. All comments shall be posted to the
21 Agency's website. Following the end of the comment period,
22 but no more than 19 days later than the effective date of
23 this amendatory Act of the 102nd General Assembly, the
24 Agency shall revise the plan as necessary based on the
25 comments received and file its carbon mitigation credit
26 procurement plan with the Commission.

1 (E) If the Commission determines that the plan is
2 likely to result in the procurement of cost-effective
3 carbon mitigation credits, then the Commission shall,
4 after notice and hearing and opportunity for comment, but
5 no later than 42 days after the Agency filed the plan,
6 approve the plan or approve it with modification. For
7 purposes of this subsection (d-10), "cost-effective" means
8 carbon mitigation credits that are procured from
9 carbon-free energy resources at prices that are within the
10 limits specified in this paragraph (3). As part of the
11 Commission's review and acceptance or rejection of the
12 procurement results, the Commission shall, in its public
13 notice of successful bidders:

14 (i) identify how the selected carbon-free energy
15 resources satisfy the public interest criteria
16 described in this paragraph (3) of minimizing carbon
17 dioxide emissions that result from electricity
18 consumed in Illinois and minimizing sulfur dioxide,
19 nitrogen oxide, and particulate matter emissions that
20 adversely affect the citizens of this State;

21 (ii) specifically address how the selection of
22 carbon-free energy resources takes into account the
23 incremental environmental benefits resulting from the
24 procurement, including any existing environmental
25 benefits that are preserved by the procurements held
26 under this amendatory Act of the 102nd General

1 Assembly and would have ceased to exist if the
2 procurements had not been held, such as the
3 preservation of carbon-free energy resources;

4 (iii) quantify the environmental benefit of
5 preserving the carbon-free energy resources procured
6 pursuant to this subsection (d-10), including the
7 following:

8 (I) an assessment value of avoided greenhouse
9 gas emissions measured as the product of the
10 carbon-free energy resources' output over the
11 contract term, using generally accepted
12 methodologies for the valuation of avoided
13 emissions; and

14 (II) an assessment of costs of replacement
15 with other carbon-free energy resources and
16 renewable energy resources, including wind and
17 photovoltaic generation, based upon an assessment
18 of the prices paid for renewable energy credits
19 through programs and procurements conducted
20 pursuant to subsection (c) of Section 1-75 of this
21 Act, and the additional storage necessary to
22 produce the same or similar capability of matching
23 customer usage patterns.

24 (F) The procurements described in this paragraph (3),
25 including, but not limited to, the execution of all
26 contracts procured, shall be completed no later than

1 December 3, 2021. The procurement and plan approval
2 processes required by this paragraph (3) shall be
3 conducted in conjunction with the procurement and plan
4 approval processes required by Section 16-111.5 of the
5 Public Utilities Act, to the extent practicable. However,
6 the Agency and Commission may, as appropriate, modify the
7 various dates and timelines under this subparagraph and
8 subparagraphs (D) and (E) of this paragraph (3) to meet
9 the December 3, 2021 contract execution deadline.
10 Following the completion of such procurements, and
11 consistent with this paragraph (3), the Agency shall
12 calculate the payments to be made under each contract in a
13 timely fashion.

14 (F-1) Costs incurred by the electric utility pursuant
15 to a contract authorized by this subsection (d-10) shall
16 be deemed prudently incurred and reasonable in amount, and
17 the electric utility shall be entitled to full cost
18 recovery pursuant to a tariff or tariffs filed with the
19 Commission.

20 (G) The counterparty electric utility shall retire all
21 carbon mitigation credits used to comply with the
22 requirements of this subsection (d-10).

23 (H) If a carbon-free energy resource is sold to
24 another owner, the rights, obligations, and commitments
25 under this subsection (d-10) shall continue to the
26 subsequent owner.

1 (I) This subsection (d-10) shall become inoperative on
2 January 1, 2028.

3 (e) The draft procurement plans are subject to public
4 comment, as required by Section 16-111.5 of the Public
5 Utilities Act.

6 (f) The Agency shall submit the final procurement plan to
7 the Commission. The Agency shall revise a procurement plan if
8 the Commission determines that it does not meet the standards
9 set forth in Section 16-111.5 of the Public Utilities Act.

10 (g) The Agency shall assess fees to each affected utility
11 to recover the costs incurred in preparation of the annual
12 procurement plan for the utility.

13 (h) The Agency shall assess fees to each bidder to recover
14 the costs incurred in connection with a competitive
15 procurement process.

16 (i) A renewable energy credit, carbon emission credit, ~~or~~
17 zero emission credit, or carbon mitigation credit can only be
18 used once to comply with a single portfolio or other standard
19 as set forth in subsection (c), subsection (d), or subsection
20 (d-5) of this Section, respectively. A renewable energy
21 credit, carbon emission credit, ~~or~~ zero emission credit, or
22 carbon mitigation credit cannot be used to satisfy the
23 requirements of more than one standard. If more than one type
24 of credit is issued for the same megawatt hour of energy, only
25 one credit can be used to satisfy the requirements of a single
26 standard. After such use, the credit must be retired together

1 with any other credits issued for the same megawatt hour of
2 energy.

3 (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;
4 101-113, eff. 1-1-20.)

5 (20 ILCS 3855/1-92)

6 Sec. 1-92. Aggregation of electrical load by
7 municipalities, townships, and counties.

8 (a) The corporate authorities of a municipality, township
9 board, or county board of a county may adopt an ordinance under
10 which it may aggregate in accordance with this Section
11 residential and small commercial retail electrical loads
12 located, respectively, within the municipality, the township,
13 or the unincorporated areas of the county and, for that
14 purpose, may solicit bids and enter into service agreements to
15 facilitate for those loads the sale and purchase of
16 electricity and related services and equipment.

17 The corporate authorities, township board, or county board
18 may also exercise such authority jointly with any other
19 municipality, township, or county. Two or more municipalities,
20 townships, or counties, or a combination of both, may initiate
21 a process jointly to authorize aggregation by a majority vote
22 of each particular municipality, township, or county as
23 required by this Section.

24 If the corporate authorities, township board, or the
25 county board seek to operate the aggregation program as an

1 opt-out program for residential and small commercial retail
2 customers, then prior to the adoption of an ordinance with
3 respect to aggregation of residential and small commercial
4 retail electric loads, the corporate authorities of a
5 municipality, the township board, or the county board of a
6 county shall submit a referendum to its residents to determine
7 whether or not the aggregation program shall operate as an
8 opt-out program for residential and small commercial retail
9 customers. Any county board that seeks to submit such a
10 referendum to its residents shall do so only in unincorporated
11 areas of the county where no electric aggregation ordinance
12 has been adopted.

13 In addition to the notice and conduct requirements of the
14 general election law, notice of the referendum shall state
15 briefly the purpose of the referendum. The question of whether
16 the corporate authorities, the township board, or the county
17 board shall adopt an opt-out aggregation program for
18 residential and small commercial retail customers shall be
19 submitted to the electors of the municipality, township board,
20 or county board at a regular election and approved by a
21 majority of the electors voting on the question. The corporate
22 authorities, township board, or county board must certify to
23 the proper election authority, which must submit the question
24 at an election in accordance with the Election Code.

25 The election authority must submit the question in
26 substantially the following form:

1 Shall the (municipality, township, or county in which
2 the question is being voted upon) have the authority to
3 arrange for the supply of electricity for its residential
4 and small commercial retail customers who have not opted
5 out of such program?

6 The election authority must record the votes as "Yes" or "No".

7 If a majority of the electors voting on the question vote
8 in the affirmative, then the corporate authorities, township
9 board, or county board may implement an opt-out aggregation
10 program for residential and small commercial retail customers.

11 A referendum must pass in each particular municipality,
12 township, or county that is engaged in the aggregation
13 program. If the referendum fails, then the corporate
14 authorities, township board, or county board shall operate the
15 aggregation program as an opt-in program for residential and
16 small commercial retail customers.

17 An ordinance under this Section shall specify whether the
18 aggregation will occur only with the prior consent of each
19 person owning, occupying, controlling, or using an electric
20 load center proposed to be aggregated. Nothing in this
21 Section, however, authorizes the aggregation of electric loads
22 that are served or authorized to be served by an electric
23 cooperative as defined by and pursuant to the Electric
24 Supplier Act or loads served by a municipality that owns and
25 operates its own electric distribution system. No aggregation
26 shall take effect unless approved by a majority of the members

1 of the corporate authority, township board, or county board
2 voting upon the ordinance.

3 A governmental aggregator under this Section is not a
4 public utility or an alternative retail electric supplier.

5 For purposes of this Section, "township" means the portion
6 of a township that is an unincorporated portion of a county
7 that is not otherwise a part of a municipality. In addition to
8 such other limitations as are included in this Section, a
9 township board shall only have authority to aggregate
10 residential and small commercial customer loads in accordance
11 with this Section if the county board of the county in which
12 the township is located (i) is not also submitting a
13 referendum to its residents at the same general election that
14 the township board proposes to submit a referendum under this
15 subsection (a), (ii) has not received authorization through
16 passage of a referendum to operate an opt-out aggregation
17 program for residential and small commercial retail customers
18 under this subsection (a), and (iii) has not otherwise enacted
19 an ordinance under this subsection (a) authorizing the
20 operation of an opt-in aggregation program for residential and
21 small commercial retail customers as described in this
22 Section.

23 (b) Upon the applicable requisite authority under this
24 Section, the corporate authorities, the township board, or the
25 county board, with assistance from the Illinois Power Agency,
26 shall develop a plan of operation and governance for the

1 aggregation program so authorized. Before adopting a plan
2 under this Section, the corporate authorities, township board,
3 or county board shall hold at least 2 public hearings on the
4 plan. Before the first hearing, the corporate authorities,
5 township board, or county board shall publish notice of the
6 hearings once a week for 2 consecutive weeks in a newspaper of
7 general circulation in the jurisdiction. The notice shall
8 summarize the plan and state the date, time, and location of
9 each hearing. Any load aggregation plan established pursuant
10 to this Section shall:

11 (1) provide for universal access to all applicable
12 residential customers and equitable treatment of
13 applicable residential customers;

14 (2) describe demand management and energy efficiency
15 services to be provided to each class of customers; and

16 (3) meet any requirements established by law
17 concerning aggregated service offered pursuant to this
18 Section.

19 (c) The process for soliciting bids for electricity and
20 other related services and awarding proposed agreements for
21 the purchase of electricity and other related services shall
22 be conducted in the following order:

23 (1) The corporate authorities, township board, or
24 county board may solicit bids for electricity and other
25 related services. The bid specifications may include a
26 provision requiring the bidder to disclose the fuel type

1 of electricity to be procured or generated on behalf of
2 the aggregation program customers. The corporate
3 authorities, township board, or county board may consider
4 the proposed source of electricity to be procured or
5 generated to be put into the grid on behalf of aggregation
6 program customers in the competitive bidding process. The
7 Agency and Commission may collaborate to issue joint
8 guidance on voluntary uniform standards for bidder
9 disclosures of the source of electricity to be procured or
10 generated to be put into the grid on behalf of aggregation
11 program customers.

12 (1.5) A township board shall request from the electric
13 utility those residential and small commercial customers
14 within their aggregate area either by zip code or zip
15 codes or other means as determined by the electric
16 utility. The electric utility shall then provide to the
17 township board the residential and small commercial
18 customers, including the names and addresses of
19 residential and small commercial customers,
20 electronically. The township board shall be responsible
21 for authenticating the residential and small commercial
22 customers contained in this listing and providing edits of
23 the data to affirm, add, or delete the residential and
24 small commercial customers located within its
25 jurisdiction. The township board shall provide the edited
26 list to the electric utility in an electronic format or

1 other means selected by the electric utility and certify
2 that the information is accurate.

3 (2) Notwithstanding Section 16-122 of the Public
4 Utilities Act and Section 2HH of the Consumer Fraud and
5 Deceptive Business Practices Act, an electric utility that
6 provides residential and small commercial retail electric
7 service in the aggregate area must, upon request of the
8 corporate authorities, township board, or the county board
9 in the aggregate area, submit to the requesting party, in
10 an electronic format, those account numbers, names, and
11 addresses of residential and small commercial retail
12 customers in the aggregate area that are reflected in the
13 electric utility's records at the time of the request;
14 provided, however, that any township board has first
15 provided an accurate customer list to the electric utility
16 as provided for herein.

17 Any corporate authority, township board, or county board
18 receiving customer information from an electric utility shall
19 be subject to the limitations on the disclosure of the
20 information described in Section 16-122 of the Public
21 Utilities Act and Section 2HH of the Consumer Fraud and
22 Deceptive Business Practices Act, and an electric utility
23 shall not be held liable for any claims arising out of the
24 provision of information pursuant to this item (2).

25 (d) If the corporate authorities, township board, or
26 county board operate under an opt-in program for residential

1 and small commercial retail customers, then the corporate
2 authorities, township board, or county board shall comply with
3 all of the following:

4 (1) Within 60 days after receiving the bids, the
5 corporate authorities, township board, or county board
6 shall allow residential and small commercial retail
7 customers to commit to the terms and conditions of a bid
8 that has been selected by the corporate authorities,
9 township board, or county board.

10 (2) If (A) the corporate authorities, township board,
11 or county board award proposed agreements for the purchase
12 of electricity and other related services and (B) an
13 agreement is reached between the corporate authorities,
14 township board, or county board for those services, then
15 customers committed to the terms and conditions according
16 to item (1) of this subsection (d) shall be committed to
17 the agreement.

18 (e) If the corporate authorities, township board, or
19 county board operate as an opt-out program for residential and
20 small commercial retail customers, then it shall be the duty
21 of the aggregated entity to fully inform residential and small
22 commercial retail customers in advance that they have the
23 right to opt out of the aggregation program. The disclosure
24 shall prominently state all charges to be made and shall
25 include full disclosure of the cost to obtain service pursuant
26 to Section 16-103 of the Public Utilities Act, how to access

1 it, and the fact that it is available to them without penalty,
2 if they are currently receiving service under that Section.
3 The Illinois Power Agency shall furnish, without charge, to
4 any citizen a list of all supply options available to them in a
5 format that allows comparison of prices and products.

6 (f) Any person or entity retained by a municipality or
7 county, or jointly by more than one such unit of local
8 government, to provide input, guidance, or advice in the
9 selection of an electricity supplier for an aggregation
10 program shall disclose in writing to the involved units of
11 local government the nature of any relationship through which
12 the person or entity may receive, either directly or
13 indirectly, commissions or other remuneration as a result of
14 the selection of any particular electricity supplier. The
15 written disclosure must be made prior to formal approval by
16 the involved units of local government of any professional
17 services agreement with the person or entity, or no later than
18 October 1, 2012 with respect to any such professional services
19 agreement entered into prior to the effective date of this
20 amendatory Act of the 97th General Assembly. The disclosure
21 shall cover all direct and indirect relationships through
22 which commissions or remuneration may result, including the
23 pooling of commissions or remuneration among multiple persons
24 or entities, and shall identify all involved electricity
25 suppliers. The disclosure requirements in this subsection (f)
26 are to be liberally construed to ensure that the nature of

1 financial interests are fully revealed, and these disclosure
2 requirements shall apply regardless of whether the involved
3 person or entity is licensed under Section 16-115C of the
4 Public Utilities Act. Any person or entity that fails to make
5 the disclosure required under this subsection (f) is liable to
6 the involved units of local government in an amount equal to
7 all compensation paid to such person or entity by the units of
8 local government for the input, guidance, or advice in the
9 selection of an electricity supplier, plus reasonable
10 attorneys fees and court costs incurred by the units of local
11 government in connection with obtaining such amount.

12 (g) The Illinois Power Agency shall provide assistance to
13 municipalities, townships, counties, or associations working
14 with municipalities to help complete the plan and bidding
15 process.

16 (h) This Section does not prohibit municipalities or
17 counties from entering into an intergovernmental agreement to
18 aggregate residential and small commercial retail electric
19 loads.

20 (i) No later than June 1, 2023, the Illinois Power Agency
21 shall produce a report assessing how aggregation of electrical
22 load by municipalities, townships, and counties can be used to
23 help meet the renewable energy goals outlined in this Act.
24 This report shall contain, at a minimum, an assessment of
25 other states' utilization of load aggregation in meeting
26 renewable energy goals, any known or expected barriers in

1 utilizing load aggregation for meeting renewable energy goals,
2 and recommendations for possible changes in State law
3 necessary for electrical load aggregation to be a driver of
4 new renewable energy project development. This report shall be
5 published on the Agency's website and delivered to the
6 Governor and General Assembly. To assist with developing this
7 report, the Agency may retain the services of its expert
8 consulting firm used to develop its procurement plans as
9 provided in paragraph (1) of subsection (a) of Section 1-75.

10 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
11 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
12 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

13 (20 ILCS 3855/1-125)

14 Sec. 1-125. Agency annual reports.

15 (a) By February 15 of each year, the Agency shall report
16 annually to the Governor and the General Assembly on the
17 operations and transactions of the Agency. The annual report
18 shall include, but not be limited to, each of the following:

19 (1) The average quantity, price, and term of all
20 contracts for electricity procured under the procurement
21 plans for electric utilities.

22 (2) (Blank).

23 (3) The quantity, price, and rate impact of all energy
24 efficiency and demand response measures purchased for
25 electric utilities, and any measures included in the

1 procurement plan pursuant to Section 16-111.5B of the
2 Public Utilities Act.

3 (4) The amount of power and energy produced by each
4 Agency facility.

5 (5) The quantity of electricity supplied by each
6 Agency facility to municipal electric systems,
7 governmental aggregators, or rural electric cooperatives
8 in Illinois.

9 (6) The revenues as allocated by the Agency to each
10 facility.

11 (7) The costs as allocated by the Agency to each
12 facility.

13 (8) The accumulated depreciation for each facility.

14 (9) The status of any projects under development.

15 (10) Basic financial and operating information
16 specifically detailed for the reporting year and
17 including, but not limited to, income and expense
18 statements, balance sheets, and changes in financial
19 position, all in accordance with generally accepted
20 accounting principles, debt structure, and a summary of
21 funds on a cash basis.

22 (11) The average quantity, price, contract type and
23 term, and rate impact of all renewable resources procured
24 ~~purchased~~ under the long-term renewable resources
25 ~~electricity~~ procurement plans for electric utilities.

26 (12) A comparison of the costs associated with the

1 Agency's procurement of renewable energy resources to (A)
2 the Agency's costs associated with electricity generated
3 by other types of generation facilities and (B) the
4 benefits associated with the Agency's procurement of
5 renewable energy resources.

6 (13) An analysis of the rate impacts associated with
7 the Illinois Power Agency's procurement of renewable
8 resources, including, but not limited to, any long-term
9 contracts, on the eligible retail customers of electric
10 utilities. The analysis shall include the Agency's
11 estimate of the total dollar impact that the Agency's
12 procurement of renewable resources has had on the annual
13 electricity bills of the customer classes that comprise
14 each eligible retail customer class taking service from an
15 electric utility.

16 (14) (Blank). ~~An analysis of how the operation of the~~
17 ~~alternative compliance payment mechanism, any long term~~
18 ~~contracts, or other aspects of the applicable renewable~~
19 ~~portfolio standards impacts the rates of customers of~~
20 ~~alternative retail electric suppliers.~~

21 (b) In addition to reporting on the transactions and
22 operations of the Agency, the Agency shall also endeavor to
23 report on the following items through its annual report,
24 recognizing that full and accurate information may not be
25 available for certain items:

26 (1) The overall nameplate capacity amount of installed

1 and scheduled renewable energy generation capacity
2 physically located in Illinois.

3 (2) The percentage of installed and scheduled
4 renewable energy generation capacity as a share of overall
5 electricity generation capacity physically located in
6 Illinois.

7 (3) The amount of megawatt hours produced by renewable
8 energy generation capacity physically located in Illinois
9 for the preceding delivery year.

10 (4) The percentage of megawatt hours produced by
11 renewable energy generation capacity physically located in
12 Illinois as a share of overall electricity generation from
13 facilities physically located in Illinois for the
14 preceding delivery year.

15 (5) The renewable portfolio standard expenditures made
16 pursuant to paragraph (1) of subsection (c) of Section
17 1-75 and the total scheduled and installed renewable
18 generation capacity expected to result from these
19 investments. This information shall include the total cost
20 of REC delivery contracts of the renewable portfolio
21 standard by project category, including, but not limited
22 to, renewable energy credits delivery contracts entered
23 into pursuant to subparagraphs (C), (G), (K), and (R) of
24 paragraph (1) of subsection (c) Section 1-75. The Agency
25 shall also report on the total amount of customer load
26 featuring renewable portfolio standard compliance

1 obligations scheduled to be met by self-direct customers
2 pursuant to subparagraph (R) of paragraph (1) of
3 subsection (c) of Section 1-75, as well as the minimum
4 annual quantities of renewable energy credits scheduled to
5 be retired by those customers and amount of installed
6 renewable energy generating capacity used to meet the
7 requirements of subparagraph (R) of paragraph (1) of
8 subsection (c) of Section 1-75.

9 The Agency may seek assistance from the Illinois Commerce
10 Commission in developing its annual report and may also retain
11 the services of its expert consulting firm used to develop its
12 procurement plans as outlined in paragraph (1) of subsection
13 (a) of Section 1-75. Confidential or commercially sensitive
14 business information provided by retail customers, alternative
15 retail electric suppliers, or other parties shall be kept
16 confidential by the Agency consistent with Section 1-120, but
17 may be publicly reported in aggregate form.

18 (Source: P.A. 99-536, eff. 7-8-16.)

19 (20 ILCS 3855/1-128 new)

20 Sec. 1-128. Nonprofit Electric Generation Task Force.

21 (a) By January 1, 2028, the Nonprofit Electric Generation
22 Task Force shall be established to assess the technological,
23 economic, and regulatory feasibility as well as legislative
24 support mechanisms necessary to achieve the carbon emission
25 reduction targets described in Section 9.15 of the

1 Environmental Protection Act through the use of carbon
2 capture, sequestration, and utilization technology.

3 (b) The Task Force shall consist of the following members:

4 (1) one representative of the Prairie Research
5 Institute at the University of Illinois, appointed by the
6 Governor with the advice and consent of the Senate;

7 (2) one representative of an association representing
8 municipal utilities, joint municipal electric power
9 agencies, or municipal electric generators with an
10 ownership interest in Prairie State Generating Company,
11 appointed by the Governor with the advice and consent of
12 the Senate;

13 (3) one representative of an association of electric
14 cooperatives with ownership interests in Prairie State
15 Generating Company, appointed by the Governor with the
16 advice and consent of the Senate;

17 (4) one representative of a labor union or building
18 trade with technical experience at a coal generation
19 facility, appointed by the Governor with the advice and
20 consent of the Senate;

21 (5) the Director of Natural Resources, or his or her
22 designee;

23 (6) the Governor, or his or her designee;

24 (7) one expert in power sector reliability, appointed
25 by the Governor with the advice and consent of the Senate;

26 (8) one expert in financing large scale power sector

1 carbon reduction projects, appointed by the Governor with
2 the advice and consent of the Senate;

3 (9) one designee of the President of the Senate;

4 (10) one designee of the Speaker of the House;

5 (11) one designee of the Senate Minority Leader; and

6 (12) one designee of the House Minority Leader.

7 (c) The Task Force shall have the following duties:

8 (1) investigating the technical and financial options
9 to install carbon capture, sequestration, utilization, and
10 direct air capture at the Prairie State Generation Campus;

11 (2) assessing the existing regulatory construct and
12 any legislative support mechanisms necessary to reduce
13 carbon at the Prairie State Generating Company in
14 accordance with Section 9.15 of the Environmental
15 Protection Act; and

16 (3) preparing and filing a report with the Governor
17 and the General Assembly that sets forth the Task Force's
18 findings.

19 (d) The Task Force may hire an independent third-party
20 auditor with relevant financial expertise to conduct a
21 financial audit of the Prairie State Generating Company,
22 including an examination of potential financial solutions to
23 alleviate the existing indirect debt obligations facing the
24 joint indirect Prairie State Generating Company owners in
25 Illinois. The audit shall include a review of the existing
26 debt structure for the Prairie State Generating Company and

1 the individual finances of each joint direct company owner in
2 Illinois in order to recommend an appropriate and equitable
3 method for allocating any funds, whether from the State or
4 federal government, or any other legal source, that may be
5 provided to support the joint indirect owners in Illinois. Any
6 commercially sensitive information reviewed pursuant to this
7 audit shall be reasonably redacted from the Task Force's final
8 report and shall not be subject to disclosure under the
9 Freedom of Information Act.

10 Section 90-35. The State Finance Act is amended by adding
11 Sections 5.935, 5.936, and 5.937 as follows:

12 (30 ILCS 105/5.935 new)

13 Sec. 5.935. The Coal to Solar and Energy Storage
14 Initiative Fund.

15 (30 ILCS 105/5.936 new)

16 Sec. 5.936. The Energy Transition Assistance Fund.

17 (30 ILCS 105/5.937 new)

18 Sec. 5.937. The Consumer Intervenor Compensation Fund.

19 Section 90-36. The Illinois Procurement Code is amended by
20 changing Section 1-10 as follows:

1 (30 ILCS 500/1-10)

2 Sec. 1-10. Application.

3 (a) This Code applies only to procurements for which
4 bidders, offerors, potential contractors, or contractors were
5 first solicited on or after July 1, 1998. This Code shall not
6 be construed to affect or impair any contract, or any
7 provision of a contract, entered into based on a solicitation
8 prior to the implementation date of this Code as described in
9 Article 99, including, but not limited to, any covenant
10 entered into with respect to any revenue bonds or similar
11 instruments. All procurements for which contracts are
12 solicited between the effective date of Articles 50 and 99 and
13 July 1, 1998 shall be substantially in accordance with this
14 Code and its intent.

15 (b) This Code shall apply regardless of the source of the
16 funds with which the contracts are paid, including federal
17 assistance moneys. This Code shall not apply to:

18 (1) Contracts between the State and its political
19 subdivisions or other governments, or between State
20 governmental bodies, except as specifically provided in
21 this Code.

22 (2) Grants, except for the filing requirements of
23 Section 20-80.

24 (3) Purchase of care, except as provided in Section
25 5-30.6 of the Illinois Public Aid Code and this Section.

26 (4) Hiring of an individual as employee and not as an

1 independent contractor, whether pursuant to an employment
2 code or policy or by contract directly with that
3 individual.

4 (5) Collective bargaining contracts.

5 (6) Purchase of real estate, except that notice of
6 this type of contract with a value of more than \$25,000
7 must be published in the Procurement Bulletin within 10
8 calendar days after the deed is recorded in the county of
9 jurisdiction. The notice shall identify the real estate
10 purchased, the names of all parties to the contract, the
11 value of the contract, and the effective date of the
12 contract.

13 (7) Contracts necessary to prepare for anticipated
14 litigation, enforcement actions, or investigations,
15 provided that the chief legal counsel to the Governor
16 shall give his or her prior approval when the procuring
17 agency is one subject to the jurisdiction of the Governor,
18 and provided that the chief legal counsel of any other
19 procuring entity subject to this Code shall give his or
20 her prior approval when the procuring entity is not one
21 subject to the jurisdiction of the Governor.

22 (8) (Blank).

23 (9) Procurement expenditures by the Illinois
24 Conservation Foundation when only private funds are used.

25 (10) (Blank).

26 (11) Public-private agreements entered into according

1 to the procurement requirements of Section 20 of the
2 Public-Private Partnerships for Transportation Act and
3 design-build agreements entered into according to the
4 procurement requirements of Section 25 of the
5 Public-Private Partnerships for Transportation Act.

6 (12) Contracts for legal, financial, and other
7 professional and artistic services entered into on or
8 before December 31, 2018 by the Illinois Finance Authority
9 in which the State of Illinois is not obligated. Such
10 contracts shall be awarded through a competitive process
11 authorized by the Board of the Illinois Finance Authority
12 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
13 50-35, and 50-37 of this Code, as well as the final
14 approval by the Board of the Illinois Finance Authority of
15 the terms of the contract.

16 (13) Contracts for services, commodities, and
17 equipment to support the delivery of timely forensic
18 science services in consultation with and subject to the
19 approval of the Chief Procurement Officer as provided in
20 subsection (d) of Section 5-4-3a of the Unified Code of
21 Corrections, except for the requirements of Sections
22 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
23 Code; however, the Chief Procurement Officer may, in
24 writing with justification, waive any certification
25 required under Article 50 of this Code. For any contracts
26 for services which are currently provided by members of a

1 collective bargaining agreement, the applicable terms of
2 the collective bargaining agreement concerning
3 subcontracting shall be followed.

4 On and after January 1, 2019, this paragraph (13),
5 except for this sentence, is inoperative.

6 (14) Contracts for participation expenditures required
7 by a domestic or international trade show or exhibition of
8 an exhibitor, member, or sponsor.

9 (15) Contracts with a railroad or utility that
10 requires the State to reimburse the railroad or utilities
11 for the relocation of utilities for construction or other
12 public purpose. Contracts included within this paragraph
13 (15) shall include, but not be limited to, those
14 associated with: relocations, crossings, installations,
15 and maintenance. For the purposes of this paragraph (15),
16 "railroad" means any form of non-highway ground
17 transportation that runs on rails or electromagnetic
18 guideways and "utility" means: (1) public utilities as
19 defined in Section 3-105 of the Public Utilities Act, (2)
20 telecommunications carriers as defined in Section 13-202
21 of the Public Utilities Act, (3) electric cooperatives as
22 defined in Section 3.4 of the Electric Supplier Act, (4)
23 telephone or telecommunications cooperatives as defined in
24 Section 13-212 of the Public Utilities Act, (5) rural
25 water or waste water systems with 10,000 connections or
26 less, (6) a holder as defined in Section 21-201 of the

1 Public Utilities Act, and (7) municipalities owning or
2 operating utility systems consisting of public utilities
3 as that term is defined in Section 11-117-2 of the
4 Illinois Municipal Code.

5 (16) Procurement expenditures necessary for the
6 Department of Public Health to provide the delivery of
7 timely newborn screening services in accordance with the
8 Newborn Metabolic Screening Act.

9 (17) Procurement expenditures necessary for the
10 Department of Agriculture, the Department of Financial and
11 Professional Regulation, the Department of Human Services,
12 and the Department of Public Health to implement the
13 Compassionate Use of Medical Cannabis Program and Opioid
14 Alternative Pilot Program requirements and ensure access
15 to medical cannabis for patients with debilitating medical
16 conditions in accordance with the Compassionate Use of
17 Medical Cannabis Program Act.

18 (18) This Code does not apply to any procurements
19 necessary for the Department of Agriculture, the
20 Department of Financial and Professional Regulation, the
21 Department of Human Services, the Department of Commerce
22 and Economic Opportunity, and the Department of Public
23 Health to implement the Cannabis Regulation and Tax Act if
24 the applicable agency has made a good faith determination
25 that it is necessary and appropriate for the expenditure
26 to fall within this exemption and if the process is

1 conducted in a manner substantially in accordance with the
2 requirements of Sections 20-160, 25-60, 30-22, 50-5,
3 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
4 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
5 Section 50-35, compliance applies only to contracts or
6 subcontracts over \$100,000. Notice of each contract
7 entered into under this paragraph (18) that is related to
8 the procurement of goods and services identified in
9 paragraph (1) through (9) of this subsection shall be
10 published in the Procurement Bulletin within 14 calendar
11 days after contract execution. The Chief Procurement
12 Officer shall prescribe the form and content of the
13 notice. Each agency shall provide the Chief Procurement
14 Officer, on a monthly basis, in the form and content
15 prescribed by the Chief Procurement Officer, a report of
16 contracts that are related to the procurement of goods and
17 services identified in this subsection. At a minimum, this
18 report shall include the name of the contractor, a
19 description of the supply or service provided, the total
20 amount of the contract, the term of the contract, and the
21 exception to this Code utilized. A copy of any or all of
22 these contracts shall be made available to the Chief
23 Procurement Officer immediately upon request. The Chief
24 Procurement Officer shall submit a report to the Governor
25 and General Assembly no later than November 1 of each year
26 that includes, at a minimum, an annual summary of the

1 monthly information reported to the Chief Procurement
2 Officer. This exemption becomes inoperative 5 years after
3 June 25, 2019 (the effective date of Public Act 101-27)
4 ~~this amendatory Act of the 101st General Assembly.~~

5 (19) Procurement expenditures necessary for the
6 Illinois Commerce Commission to hire third-party
7 facilitators pursuant to Sections 16-105.17 and Section
8 16-108.18 of the Public Utilities Act or an ombudsman
9 pursuant to Section 16-107.5 of the Public Utilities Act,
10 a facilitator pursuant to Section 16-105.17 of the Public
11 Utilities Act, or a grid auditor pursuant to Section
12 16-105.10 of the Public Utilities Act.

13 Notwithstanding any other provision of law, for contracts
14 entered into on or after October 1, 2017 under an exemption
15 provided in any paragraph of this subsection (b), except
16 paragraph (1), (2), or (5), each State agency shall post to the
17 appropriate procurement bulletin the name of the contractor, a
18 description of the supply or service provided, the total
19 amount of the contract, the term of the contract, and the
20 exception to the Code utilized. The chief procurement officer
21 shall submit a report to the Governor and General Assembly no
22 later than November 1 of each year that shall include, at a
23 minimum, an annual summary of the monthly information reported
24 to the chief procurement officer.

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,
4 and as expressly required by Section 9.1 of the Illinois
5 Lottery Law, the provisions of this Code do not apply to the
6 procurement process provided for under Section 9.1 of the
7 Illinois Lottery Law.

8 (e) This Code does not apply to the process used by the
9 Capital Development Board to retain a person or entity to
10 assist the Capital Development Board with its duties related
11 to the determination of costs of a clean coal SNG brownfield
12 facility, as defined by Section 1-10 of the Illinois Power
13 Agency Act, as required in subsection (h-3) of Section 9-220
14 of the Public Utilities Act, including calculating the range
15 of capital costs, the range of operating and maintenance
16 costs, or the sequestration costs or monitoring the
17 construction of clean coal SNG brownfield facility for the
18 full duration of construction.

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or
22 contracts entered into in accordance with Sections 11-5.2 and
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records
25 necessary to review whether a contract, purchase, or other
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client
2 privilege.

3 (j) This Code does not apply to the process used by the
4 Capital Development Board to retain an artist or work or works
5 of art as required in Section 14 of the Capital Development
6 Board Act.

7 (k) This Code does not apply to the process to procure
8 contracts, or contracts entered into, by the State Board of
9 Elections or the State Electoral Board for hearing officers
10 appointed pursuant to the Election Code.

11 (l) This Code does not apply to the processes used by the
12 Illinois Student Assistance Commission to procure supplies and
13 services paid for from the private funds of the Illinois
14 Prepaid Tuition Fund. As used in this subsection (l), "private
15 funds" means funds derived from deposits paid into the
16 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

17 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
18 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
19 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
20 9-17-19.)

21 Section 90-36a. The Business Enterprise for Minorities,
22 Women, and Persons with Disabilities Act is amended by
23 changing Sections 4f and 7 as follows:

24 (30 ILCS 575/4f)

1 (Text of Section before amendment by P.A. 101-657, Article
2 40, Section 40-130)

3 (Section scheduled to be repealed on June 30, 2024)

4 Sec. 4f. Award of State contracts.

5 (1) It is hereby declared to be the public policy of the
6 State of Illinois to promote and encourage each State agency
7 and public institution of higher education to use businesses
8 owned by minorities, women, and persons with disabilities in
9 the area of goods and services, including, but not limited to,
10 insurance services, investment management services,
11 information technology services, accounting services,
12 architectural and engineering services, and legal services.
13 Furthermore, each State agency and public institution of
14 higher education shall utilize such firms to the greatest
15 extent feasible within the bounds of financial and fiduciary
16 prudence, and take affirmative steps to remove any barriers to
17 the full participation of such firms in the procurement and
18 contracting opportunities afforded.

19 (a) When a State agency or public institution of
20 higher education, other than a community college, awards a
21 contract for insurance services, for each State agency or
22 public institution of higher education, it shall be the
23 aspirational goal to use insurance brokers owned by
24 minorities, women, and persons with disabilities as
25 defined by this Act, for not less than 20% of the total
26 annual premiums or fees; provided that, contracts

1 representing at least 11% of the total annual premiums or
2 fees shall be awarded to businesses owned by minorities;
3 contracts representing at least 7% of the total annual
4 premiums or fees shall be awarded to women-owned
5 businesses; and contracts representing at least 2% of the
6 total annual premiums or fees shall be awarded to
7 businesses owned by persons with disabilities.

8 (b) When a State agency or public institution of
9 higher education, other than a community college, awards a
10 contract for investment services, for each State agency or
11 public institution of higher education, it shall be the
12 aspirational goal to use emerging investment managers
13 owned by minorities, women, and persons with disabilities
14 as defined by this Act, for not less than 20% of the total
15 funds under management; provided that, contracts
16 representing at least 11% of the total funds under
17 management shall be awarded to businesses owned by
18 minorities; contracts representing at least 7% of the
19 total funds under management shall be awarded to
20 women-owned businesses; and contracts representing at
21 least 2% of the total funds under management shall be
22 awarded to businesses owned by persons with disabilities.
23 Furthermore, it is the aspirational goal that not less
24 than 20% of the direct asset managers of the State funds be
25 minorities, women, and persons with disabilities.

26 (c) When a State agency or public institution of

1 higher education, other than a community college, awards
2 contracts for information technology services, accounting
3 services, architectural and engineering services, and
4 legal services, for each State agency and public
5 institution of higher education, it shall be the
6 aspirational goal to use such firms owned by minorities,
7 women, and persons with disabilities as defined by this
8 Act and lawyers who are minorities, women, and persons
9 with disabilities as defined by this Act, for not less
10 than 20% of the total dollar amount of State contracts;
11 provided that, contracts representing at least 11% of the
12 total dollar amount of State contracts shall be awarded to
13 businesses owned by minorities or minority lawyers;
14 contracts representing at least 7% of the total dollar
15 amount of State contracts shall be awarded to women-owned
16 businesses or women who are lawyers; and contracts
17 representing at least 2% of the total dollar amount of
18 State contracts shall be awarded to businesses owned by
19 persons with disabilities or persons with disabilities who
20 are lawyers.

21 (d) When a community college awards a contract for
22 insurance services, investment services, information
23 technology services, accounting services, architectural
24 and engineering services, and legal services, it shall be
25 the aspirational goal of each community college to use
26 businesses owned by minorities, women, and persons with

1 disabilities as defined in this Act for not less than 20%
2 of the total amount spent on contracts for these services
3 collectively; provided that, contracts representing at
4 least 11% of the total amount spent on contracts for these
5 services shall be awarded to businesses owned by
6 minorities; contracts representing at least 7% of the
7 total amount spent on contracts for these services shall
8 be awarded to women-owned businesses; and contracts
9 representing at least 2% of the total amount spent on
10 contracts for these services shall be awarded to
11 businesses owned by persons with disabilities. When a
12 community college awards contracts for investment
13 services, contracts awarded to investment managers who are
14 not emerging investment managers as defined in this Act
15 shall not be considered businesses owned by minorities,
16 women, or persons with disabilities for the purposes of
17 this Section.

18 (e) When a State agency or public institution of
19 higher education issues competitive solicitations and the
20 award history for a service or supply category shows
21 awards to a class of business owners that are
22 underrepresented, the Council shall determine the reason
23 for the disparity and shall identify potential and
24 appropriate methods to minimize or eliminate the cause for
25 the disparity.

26 If any State agency or public institution of higher

1 education contract is eligible to be paid for or
2 reimbursed, in whole or in part, with federal-aid funds,
3 grants, or loans, and the provisions of this paragraph (e)
4 would result in the loss of those federal-aid funds,
5 grants, or loans, then the contract is exempt from the
6 provisions of this paragraph (e) in order to remain
7 eligible for those federal-aid funds, grants, or loans.

8 (2) As used in this Section:

9 "Accounting services" means the measurement,
10 processing and communication of financial information
11 about economic entities including, but is not limited to,
12 financial accounting, management accounting, auditing,
13 cost containment and auditing services, taxation and
14 accounting information systems.

15 "Architectural and engineering services" means
16 professional services of an architectural or engineering
17 nature, or incidental services, that members of the
18 architectural and engineering professions, and individuals
19 in their employ, may logically or justifiably perform,
20 including studies, investigations, surveying and mapping,
21 tests, evaluations, consultations, comprehensive
22 planning, program management, conceptual designs, plans
23 and specifications, value engineering, construction phase
24 services, soils engineering, drawing reviews, preparation
25 of operating and maintenance manuals, and other related
26 services.

1 "Emerging investment manager" means an investment
2 manager or claims consultant having assets under
3 management below \$10 billion or otherwise adjudicating
4 claims.

5 "Information technology services" means, but is not
6 limited to, specialized technology-oriented solutions by
7 combining the processes and functions of software,
8 hardware, networks, telecommunications, web designers,
9 cloud developing resellers, and electronics.

10 "Insurance broker" means an insurance brokerage firm,
11 claims administrator, or both, that procures, places all
12 lines of insurance, or administers claims with annual
13 premiums or fees of at least \$5,000,000 but not more than
14 \$10,000,000.

15 "Legal services" means work performed by a lawyer
16 including, but not limited to, contracts in anticipation
17 of litigation, enforcement actions, or investigations.

18 (3) Each State agency and public institution of higher
19 education shall adopt policies that identify its plan and
20 implementation procedures for increasing the use of service
21 firms owned by minorities, women, and persons with
22 disabilities.

23 (4) Except as provided in subsection (5), the Council
24 shall file no later than March 1 of each year an annual report
25 to the Governor, the Bureau on Apprenticeship Programs and
26 Clean Energy Jobs, and the General Assembly. The report filed

1 with the General Assembly shall be filed as required in
2 Section 3.1 of the General Assembly Organization Act. This
3 report shall: (i) identify the service firms used by each
4 State agency and public institution of higher education, (ii)
5 identify the actions it has undertaken to increase the use of
6 service firms owned by minorities, women, and persons with
7 disabilities, including encouraging non-minority-owned firms
8 to use other service firms owned by minorities, women, and
9 persons with disabilities as subcontractors when the
10 opportunities arise, (iii) state any recommendations made by
11 the Council to each State agency and public institution of
12 higher education to increase participation by the use of
13 service firms owned by minorities, women, and persons with
14 disabilities, and (iv) include the following:

15 (A) For insurance services: the names of the insurance
16 brokers or claims consultants used, the total of risk
17 managed by each State agency and public institution of
18 higher education by insurance brokers, the total
19 commissions, fees paid, or both, the lines or insurance
20 policies placed, and the amount of premiums placed; and
21 the percentage of the risk managed by insurance brokers,
22 the percentage of total commission, fees paid, or both,
23 the lines or insurance policies placed, and the amount of
24 premiums placed with each by the insurance brokers owned
25 by minorities, women, and persons with disabilities by
26 each State agency and public institution of higher

1 education.

2 (B) For investment management services: the names of
3 the investment managers used, the total funds under
4 management of investment managers; the total commissions,
5 fees paid, or both; the total and percentage of funds
6 under management of emerging investment managers owned by
7 minorities, women, and persons with disabilities,
8 including the total and percentage of total commissions,
9 fees paid, or both by each State agency and public
10 institution of higher education.

11 (C) The names of service firms, the percentage and
12 total dollar amount paid for professional services by
13 category by each State agency and public institution of
14 higher education.

15 (D) The names of service firms, the percentage and
16 total dollar amount paid for services by category to firms
17 owned by minorities, women, and persons with disabilities
18 by each State agency and public institution of higher
19 education.

20 (E) The total number of contracts awarded for services
21 by category and the total number of contracts awarded to
22 firms owned by minorities, women, and persons with
23 disabilities by each State agency and public institution
24 of higher education.

25 (5) For community college districts, the Business
26 Enterprise Council shall only report the following information

1 for each community college district: (i) the name of the
2 community colleges in the district, (ii) the name and contact
3 information of a person at each community college appointed to
4 be the single point of contact for vendors owned by
5 minorities, women, or persons with disabilities, (iii) the
6 policy of the community college district concerning certified
7 vendors, (iv) the certifications recognized by the community
8 college district for determining whether a business is owned
9 or controlled by a minority, woman, or person with a
10 disability, (v) outreach efforts conducted by the community
11 college district to increase the use of certified vendors,
12 (vi) the total expenditures by the community college district
13 in the prior fiscal year in the divisions of work specified in
14 paragraphs (a), (b), and (c) of subsection (1) of this Section
15 and the amount paid to certified vendors in those divisions of
16 work, and (vii) the total number of contracts entered into for
17 the divisions of work specified in paragraphs (a), (b), and
18 (c) of subsection (1) of this Section and the total number of
19 contracts awarded to certified vendors providing these
20 services to the community college district. The Business
21 Enterprise Council shall not make any utilization reports
22 under this Act for community college districts for Fiscal Year
23 2015 and Fiscal Year 2016, but shall make the report required
24 by this subsection for Fiscal Year 2017 and for each fiscal
25 year thereafter. The Business Enterprise Council shall report
26 the information in items (i), (ii), (iii), and (iv) of this

1 subsection beginning in September of 2016. The Business
2 Enterprise Council may collect the data needed to make its
3 report from the Illinois Community College Board.

4 (6) The status of the utilization of services shall be
5 discussed at each of the regularly scheduled Business
6 Enterprise Council meetings. Time shall be allotted for the
7 Council to receive, review, and discuss the progress of the
8 use of service firms owned by minorities, women, and persons
9 with disabilities by each State agency and public institution
10 of higher education; and any evidence regarding past or
11 present racial, ethnic, or gender-based discrimination which
12 directly impacts a State agency or public institution of
13 higher education contracting with such firms. If after
14 reviewing such evidence the Council finds that there is or has
15 been such discrimination against a specific group, race or
16 sex, the Council shall establish sheltered markets or adjust
17 existing sheltered markets tailored to address the Council's
18 specific findings for the divisions of work specified in
19 paragraphs (a), (b), and (c) of subsection (1) of this
20 Section.

21 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
22 101-657, Article 5, Section 5-10, eff. 7-1-21 (See Section 25
23 of P.A. 102-29 for effective date of P.A. 101-657, Article 5,
24 Section 5-10); 102-29, eff. 6-25-21.)

25 (Text of Section after amendment by P.A. 101-657, Article

1 40, Section 40-130)

2 (Section scheduled to be repealed on June 30, 2024)

3 Sec. 4f. Award of State contracts.

4 (1) It is hereby declared to be the public policy of the
5 State of Illinois to promote and encourage each State agency
6 and public institution of higher education to use businesses
7 owned by minorities, women, and persons with disabilities in
8 the area of goods and services, including, but not limited to,
9 insurance services, investment management services,
10 information technology services, accounting services,
11 architectural and engineering services, and legal services.
12 Furthermore, each State agency and public institution of
13 higher education shall utilize such firms to the greatest
14 extent feasible within the bounds of financial and fiduciary
15 prudence, and take affirmative steps to remove any barriers to
16 the full participation of such firms in the procurement and
17 contracting opportunities afforded.

18 (a) When a State agency or public institution of
19 higher education, other than a community college, awards a
20 contract for insurance services, for each State agency or
21 public institution of higher education, it shall be the
22 aspirational goal to use insurance brokers owned by
23 minorities, women, and persons with disabilities as
24 defined by this Act, for not less than 20% of the total
25 annual premiums or fees; provided that, contracts
26 representing at least 11% of the total annual premiums or

1 fees shall be awarded to businesses owned by minorities;
2 contracts representing at least 7% of the total annual
3 premiums or fees shall be awarded to women-owned
4 businesses; and contracts representing at least 2% of the
5 total annual premiums or fees shall be awarded to
6 businesses owned by persons with disabilities.

7 (b) When a State agency or public institution of
8 higher education, other than a community college, awards a
9 contract for investment services, for each State agency or
10 public institution of higher education, it shall be the
11 aspirational goal to use emerging investment managers
12 owned by minorities, women, and persons with disabilities
13 as defined by this Act, for not less than 20% of the total
14 funds under management; provided that, contracts
15 representing at least 11% of the total funds under
16 management shall be awarded to businesses owned by
17 minorities; contracts representing at least 7% of the
18 total funds under management shall be awarded to
19 women-owned businesses; and contracts representing at
20 least 2% of the total funds under management shall be
21 awarded to businesses owned by persons with disabilities.
22 Furthermore, it is the aspirational goal that not less
23 than 20% of the direct asset managers of the State funds be
24 minorities, women, and persons with disabilities.

25 (c) When a State agency or public institution of
26 higher education, other than a community college, awards

1 contracts for information technology services, accounting
2 services, architectural and engineering services, and
3 legal services, for each State agency and public
4 institution of higher education, it shall be the
5 aspirational goal to use such firms owned by minorities,
6 women, and persons with disabilities as defined by this
7 Act and lawyers who are minorities, women, and persons
8 with disabilities as defined by this Act, for not less
9 than 20% of the total dollar amount of State contracts;
10 provided that, contracts representing at least 11% of the
11 total dollar amount of State contracts shall be awarded to
12 businesses owned by minorities or minority lawyers;
13 contracts representing at least 7% of the total dollar
14 amount of State contracts shall be awarded to women-owned
15 businesses or women who are lawyers; and contracts
16 representing at least 2% of the total dollar amount of
17 State contracts shall be awarded to businesses owned by
18 persons with disabilities or persons with disabilities who
19 are lawyers.

20 (d) When a community college awards a contract for
21 insurance services, investment services, information
22 technology services, accounting services, architectural
23 and engineering services, and legal services, it shall be
24 the aspirational goal of each community college to use
25 businesses owned by minorities, women, and persons with
26 disabilities as defined in this Act for not less than 20%

1 of the total amount spent on contracts for these services
2 collectively; provided that, contracts representing at
3 least 11% of the total amount spent on contracts for these
4 services shall be awarded to businesses owned by
5 minorities; contracts representing at least 7% of the
6 total amount spent on contracts for these services shall
7 be awarded to women-owned businesses; and contracts
8 representing at least 2% of the total amount spent on
9 contracts for these services shall be awarded to
10 businesses owned by persons with disabilities. When a
11 community college awards contracts for investment
12 services, contracts awarded to investment managers who are
13 not emerging investment managers as defined in this Act
14 shall not be considered businesses owned by minorities,
15 women, or persons with disabilities for the purposes of
16 this Section.

17 (2) As used in this Section:

18 "Accounting services" means the measurement,
19 processing and communication of financial information
20 about economic entities including, but is not limited to,
21 financial accounting, management accounting, auditing,
22 cost containment and auditing services, taxation and
23 accounting information systems.

24 "Architectural and engineering services" means
25 professional services of an architectural or engineering
26 nature, or incidental services, that members of the

1 architectural and engineering professions, and individuals
2 in their employ, may logically or justifiably perform,
3 including studies, investigations, surveying and mapping,
4 tests, evaluations, consultations, comprehensive
5 planning, program management, conceptual designs, plans
6 and specifications, value engineering, construction phase
7 services, soils engineering, drawing reviews, preparation
8 of operating and maintenance manuals, and other related
9 services.

10 "Emerging investment manager" means an investment
11 manager or claims consultant having assets under
12 management below \$10 billion or otherwise adjudicating
13 claims.

14 "Information technology services" means, but is not
15 limited to, specialized technology-oriented solutions by
16 combining the processes and functions of software,
17 hardware, networks, telecommunications, web designers,
18 cloud developing resellers, and electronics.

19 "Insurance broker" means an insurance brokerage firm,
20 claims administrator, or both, that procures, places all
21 lines of insurance, or administers claims with annual
22 premiums or fees of at least \$5,000,000 but not more than
23 \$10,000,000.

24 "Legal services" means work performed by a lawyer
25 including, but not limited to, contracts in anticipation
26 of litigation, enforcement actions, or investigations.

1 (3) Each State agency and public institution of higher
2 education shall adopt policies that identify its plan and
3 implementation procedures for increasing the use of service
4 firms owned by minorities, women, and persons with
5 disabilities. All plan and implementation procedures for
6 increasing the use of service firms owned by minorities,
7 women, and persons with disabilities must be submitted to and
8 approved by the Commission on Equity and Inclusion on an
9 annual basis.

10 (4) Except as provided in subsection (5), the Council
11 shall file no later than March 1 of each year an annual report
12 to the Governor, the Bureau on Apprenticeship Programs and
13 Clean Energy Jobs, and the General Assembly. The report filed
14 with the General Assembly shall be filed as required in
15 Section 3.1 of the General Assembly Organization Act. This
16 report shall: (i) identify the service firms used by each
17 State agency and public institution of higher education, (ii)
18 identify the actions it has undertaken to increase the use of
19 service firms owned by minorities, women, and persons with
20 disabilities, including encouraging non-minority-owned firms
21 to use other service firms owned by minorities, women, and
22 persons with disabilities as subcontractors when the
23 opportunities arise, (iii) state any recommendations made by
24 the Council to each State agency and public institution of
25 higher education to increase participation by the use of
26 service firms owned by minorities, women, and persons with

1 disabilities, and (iv) include the following:

2 (A) For insurance services: the names of the insurance
3 brokers or claims consultants used, the total of risk
4 managed by each State agency and public institution of
5 higher education by insurance brokers, the total
6 commissions, fees paid, or both, the lines or insurance
7 policies placed, and the amount of premiums placed; and
8 the percentage of the risk managed by insurance brokers,
9 the percentage of total commission, fees paid, or both,
10 the lines or insurance policies placed, and the amount of
11 premiums placed with each by the insurance brokers owned
12 by minorities, women, and persons with disabilities by
13 each State agency and public institution of higher
14 education.

15 (B) For investment management services: the names of
16 the investment managers used, the total funds under
17 management of investment managers; the total commissions,
18 fees paid, or both; the total and percentage of funds
19 under management of emerging investment managers owned by
20 minorities, women, and persons with disabilities,
21 including the total and percentage of total commissions,
22 fees paid, or both by each State agency and public
23 institution of higher education.

24 (C) The names of service firms, the percentage and
25 total dollar amount paid for professional services by
26 category by each State agency and public institution of

1 higher education.

2 (D) The names of service firms, the percentage and
3 total dollar amount paid for services by category to firms
4 owned by minorities, women, and persons with disabilities
5 by each State agency and public institution of higher
6 education.

7 (E) The total number of contracts awarded for services
8 by category and the total number of contracts awarded to
9 firms owned by minorities, women, and persons with
10 disabilities by each State agency and public institution
11 of higher education.

12 (5) For community college districts, the Business
13 Enterprise Council shall only report the following information
14 for each community college district: (i) the name of the
15 community colleges in the district, (ii) the name and contact
16 information of a person at each community college appointed to
17 be the single point of contact for vendors owned by
18 minorities, women, or persons with disabilities, (iii) the
19 policy of the community college district concerning certified
20 vendors, (iv) the certifications recognized by the community
21 college district for determining whether a business is owned
22 or controlled by a minority, woman, or person with a
23 disability, (v) outreach efforts conducted by the community
24 college district to increase the use of certified vendors,
25 (vi) the total expenditures by the community college district
26 in the prior fiscal year in the divisions of work specified in

1 paragraphs (a), (b), and (c) of subsection (1) of this Section
2 and the amount paid to certified vendors in those divisions of
3 work, and (vii) the total number of contracts entered into for
4 the divisions of work specified in paragraphs (a), (b), and
5 (c) of subsection (1) of this Section and the total number of
6 contracts awarded to certified vendors providing these
7 services to the community college district. The Business
8 Enterprise Council shall not make any utilization reports
9 under this Act for community college districts for Fiscal Year
10 2015 and Fiscal Year 2016, but shall make the report required
11 by this subsection for Fiscal Year 2017 and for each fiscal
12 year thereafter. The Business Enterprise Council shall report
13 the information in items (i), (ii), (iii), and (iv) of this
14 subsection beginning in September of 2016. The Business
15 Enterprise Council may collect the data needed to make its
16 report from the Illinois Community College Board.

17 (6) The status of the utilization of services shall be
18 discussed at each of the regularly scheduled Business
19 Enterprise Council meetings. Time shall be allotted for the
20 Council to receive, review, and discuss the progress of the
21 use of service firms owned by minorities, women, and persons
22 with disabilities by each State agency and public institution
23 of higher education; and any evidence regarding past or
24 present racial, ethnic, or gender-based discrimination which
25 directly impacts a State agency or public institution of
26 higher education contracting with such firms. If after

1 reviewing such evidence the Council finds that there is or has
2 been such discrimination against a specific group, race or
3 sex, the Council shall establish sheltered markets or adjust
4 existing sheltered markets tailored to address the Council's
5 specific findings for the divisions of work specified in
6 paragraphs (a), (b), and (c) of subsection (1) of this
7 Section.

8 (Source: P.A. 101-170, eff. 1-1-20; 101-657, Article 5,
9 Section 5-10, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
10 effective date of P.A. 101-657, Article 5, Section 5-10);
11 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff.
12 6-25-21.)

13 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

14 (Text of Section before amendment by P.A. 101-657)

15 (Section scheduled to be repealed on June 30, 2024)

16 Sec. 7. Exemptions; waivers; publication of data.

17 (1) Individual contract exemptions. The Council, at the
18 written request of the affected agency, public institution of
19 higher education, or recipient of a grant or loan of State
20 funds of \$250,000 or more complying with Section 45 of the
21 State Finance Act, may permit an individual contract or
22 contract package, (related contracts being bid or awarded
23 simultaneously for the same project or improvements) be made
24 wholly or partially exempt from State contracting goals for
25 businesses owned by minorities, women, and persons with

1 disabilities prior to the advertisement for bids or
2 solicitation of proposals whenever there has been a
3 determination, reduced to writing and based on the best
4 information available at the time of the determination, that
5 there is an insufficient number of businesses owned by
6 minorities, women, and persons with disabilities to ensure
7 adequate competition and an expectation of reasonable prices
8 on bids or proposals solicited for the individual contract or
9 contract package in question. Any such exemptions shall be
10 given by the Council to the Bureau on Apprenticeship Programs
11 and Clean Energy Jobs.

12 (a) Written request for contract exemption. A written
13 request for an individual contract exemption must include,
14 but is not limited to, the following:

15 (i) a list of eligible businesses owned by
16 minorities, women, and persons with disabilities;

17 (ii) a clear demonstration that the number of
18 eligible businesses identified in subparagraph (i)
19 above is insufficient to ensure adequate competition;

20 (iii) the difference in cost between the contract
21 proposals being offered by businesses owned by
22 minorities, women, and persons with disabilities and
23 the agency or public institution of higher education's
24 expectations of reasonable prices on bids or proposals
25 within that class; and

26 (iv) a list of eligible businesses owned by

1 minorities, women, and persons with disabilities that
2 the contractor has used in the current and prior
3 fiscal years.

4 (b) Determination. The Council's determination
5 concerning an individual contract exemption must consider,
6 at a minimum, the following:

7 (i) the justification for the requested exemption,
8 including whether diligent efforts were undertaken to
9 identify and solicit eligible businesses owned by
10 minorities, women, and persons with disabilities;

11 (ii) the total number of exemptions granted to the
12 affected agency, public institution of higher
13 education, or recipient of a grant or loan of State
14 funds of \$250,000 or more complying with Section 45 of
15 the State Finance Act that have been granted by the
16 Council in the current and prior fiscal years; and

17 (iii) the percentage of contracts awarded by the
18 agency or public institution of higher education to
19 eligible businesses owned by minorities, women, and
20 persons with disabilities in the current and prior
21 fiscal years.

22 (2) Class exemptions.

23 (a) Creation. The Council, at the written request of
24 the affected agency or public institution of higher
25 education, may permit an entire class of contracts be made
26 exempt from State contracting goals for businesses owned

1 by minorities, women, and persons with disabilities
2 whenever there has been a determination, reduced to
3 writing and based on the best information available at the
4 time of the determination, that there is an insufficient
5 number of qualified businesses owned by minorities, women,
6 and persons with disabilities to ensure adequate
7 competition and an expectation of reasonable prices on
8 bids or proposals within that class. Any such exemption
9 shall be given by the Council to the Bureau on
10 Apprenticeship Programs and Clean Energy Jobs.

11 (a-1) Written request for class exemption. A written
12 request for a class exemption must include, but is not
13 limited to, the following:

14 (i) a list of eligible businesses owned by
15 minorities, women, and persons with disabilities;

16 (ii) a clear demonstration that the number of
17 eligible businesses identified in subparagraph (i)
18 above is insufficient to ensure adequate competition;

19 (iii) the difference in cost between the contract
20 proposals being offered by eligible businesses owned
21 by minorities, women, and persons with disabilities
22 and the agency or public institution of higher
23 education's expectations of reasonable prices on bids
24 or proposals within that class; and

25 (iv) the number of class exemptions the affected
26 agency or public institution of higher education

1 requested in the current and prior fiscal years.

2 (a-2) Determination. The Council's determination
3 concerning class exemptions must consider, at a minimum,
4 the following:

5 (i) the justification for the requested exemption,
6 including whether diligent efforts were undertaken to
7 identify and solicit eligible businesses owned by
8 minorities, women, and persons with disabilities;

9 (ii) the total number of class exemptions granted
10 to the requesting agency or public institution of
11 higher education that have been granted by the Council
12 in the current and prior fiscal years; and

13 (iii) the percentage of contracts awarded by the
14 agency or public institution of higher education to
15 eligible businesses owned by minorities, women, and
16 persons with disabilities the current and prior fiscal
17 years.

18 (b) Limitation. Any such class exemption shall not be
19 permitted for a period of more than one year at a time.

20 (3) Waivers. Where a particular contract requires a
21 contractor to meet a goal established pursuant to this Act,
22 the contractor shall have the right to request a waiver from
23 such requirements. The Council shall grant the waiver where
24 the contractor demonstrates that there has been made a good
25 faith effort to comply with the goals for participation by
26 businesses owned by minorities, women, and persons with

1 disabilities. Any such waiver shall also be transmitted in
2 writing to the Bureau on Apprenticeship Programs and Clean
3 Energy Jobs.

4 (a) Request for waiver. A contractor's request for a
5 waiver under this subsection (3) must include, but is not
6 limited to, the following, if available:

7 (i) a list of eligible businesses owned by
8 minorities, women, and persons with disabilities that
9 pertain to the class of contracts in the requested
10 waiver;

11 (ii) a clear demonstration that the number of
12 eligible businesses identified in subparagraph (i)
13 above is insufficient to ensure competition;

14 (iii) the difference in cost between the contract
15 proposals being offered by businesses owned by
16 minorities, women, and persons with disabilities and
17 the agency or the public institution of higher
18 education's expectations of reasonable prices on bids
19 or proposals within that class; and

20 (iv) a list of businesses owned by minorities,
21 women, and persons with disabilities that the
22 contractor has used in the current and prior fiscal
23 years.

24 (b) Determination. The Council's determination
25 concerning waivers must include following:

26 (i) the justification for the requested waiver,

1 including whether the requesting contractor made a
2 good faith effort to identify and solicit eligible
3 businesses owned by minorities, women, and persons
4 with disabilities;

5 (ii) the total number of waivers the contractor
6 has been granted by the Council in the current and
7 prior fiscal years;

8 (iii) the percentage of contracts awarded by the
9 agency or public institution of higher education to
10 eligible businesses owned by minorities, women, and
11 persons with disabilities in the current and prior
12 fiscal years; and

13 (iv) the contractor's use of businesses owned by
14 minorities, women, and persons with disabilities in
15 the current and prior fiscal years.

16 (3.5) (Blank).

17 (4) Conflict with other laws. In the event that any State
18 contract, which otherwise would be subject to the provisions
19 of this Act, is or becomes subject to federal laws or
20 regulations which conflict with the provisions of this Act or
21 actions of the State taken pursuant hereto, the provisions of
22 the federal laws or regulations shall apply and the contract
23 shall be interpreted and enforced accordingly.

24 (5) Each chief procurement officer, as defined in the
25 Illinois Procurement Code, shall maintain on his or her
26 official Internet website a database of the following: (i)

1 waivers granted under this Section with respect to contracts
2 under his or her jurisdiction; (ii) a State agency or public
3 institution of higher education's written request for an
4 exemption of an individual contract or an entire class of
5 contracts; and (iii) the Council's written determination
6 granting or denying a request for an exemption of an
7 individual contract or an entire class of contracts. The
8 database, which shall be updated periodically as necessary,
9 shall be searchable by contractor name and by contracting
10 State agency.

11 (6) Each chief procurement officer, as defined by the
12 Illinois Procurement Code, shall maintain on its website a
13 list of all firms that have been prohibited from bidding,
14 offering, or entering into a contract with the State of
15 Illinois as a result of violations of this Act.

16 Each public notice required by law of the award of a State
17 contract shall include for each bid or offer submitted for
18 that contract the following: (i) the bidder's or offeror's
19 name, (ii) the bid amount, (iii) the name or names of the
20 certified firms identified in the bidder's or offeror's
21 submitted utilization plan, and (iv) the bid's amount and
22 percentage of the contract awarded to businesses owned by
23 minorities, women, and persons with disabilities identified in
24 the utilization plan.

25 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
26 101-601, eff. 1-1-20; 102-29, eff. 6-25-21.)

1 (Text of Section after amendment by P.A. 101-657)

2 (Section scheduled to be repealed on June 30, 2024)

3 Sec. 7. Exemptions; waivers; publication of data.

4 (1) Individual contract exemptions. The Council, at the
5 written request of the affected agency, public institution of
6 higher education, or recipient of a grant or loan of State
7 funds of \$250,000 or more complying with Section 45 of the
8 State Finance Act, may permit an individual contract or
9 contract package, (related contracts being bid or awarded
10 simultaneously for the same project or improvements) be made
11 wholly or partially exempt from State contracting goals for
12 businesses owned by minorities, women, and persons with
13 disabilities prior to the advertisement for bids or
14 solicitation of proposals whenever there has been a
15 determination, reduced to writing and based on the best
16 information available at the time of the determination, that
17 there is an insufficient number of businesses owned by
18 minorities, women, and persons with disabilities to ensure
19 adequate competition and an expectation of reasonable prices
20 on bids or proposals solicited for the individual contract or
21 contract package in question. Any such exemptions shall be
22 given by the Council to the Bureau on Apprenticeship Programs
23 and Clean Energy Jobs.

24 (a) Written request for contract exemption. A written
25 request for an individual contract exemption must include,

1 but is not limited to, the following:

2 (i) a list of eligible businesses owned by
3 minorities, women, and persons with disabilities;

4 (ii) a clear demonstration that the number of
5 eligible businesses identified in subparagraph (i)
6 above is insufficient to ensure adequate competition;

7 (iii) the difference in cost between the contract
8 proposals being offered by businesses owned by
9 minorities, women, and persons with disabilities and
10 the agency or public institution of higher education's
11 expectations of reasonable prices on bids or proposals
12 within that class; and

13 (iv) a list of eligible businesses owned by
14 minorities, women, and persons with disabilities that
15 the contractor has used in the current and prior
16 fiscal years.

17 (b) Determination. The Council's determination
18 concerning an individual contract exemption must consider,
19 at a minimum, the following:

20 (i) the justification for the requested exemption,
21 including whether diligent efforts were undertaken to
22 identify and solicit eligible businesses owned by
23 minorities, women, and persons with disabilities;

24 (ii) the total number of exemptions granted to the
25 affected agency, public institution of higher
26 education, or recipient of a grant or loan of State

1 funds of \$250,000 or more complying with Section 45 of
2 the State Finance Act that have been granted by the
3 Council in the current and prior fiscal years; and

4 (iii) the percentage of contracts awarded by the
5 agency or public institution of higher education to
6 eligible businesses owned by minorities, women, and
7 persons with disabilities in the current and prior
8 fiscal years.

9 (2) Class exemptions.

10 (a) Creation. The Council, at the written request of
11 the affected agency or public institution of higher
12 education, may permit an entire class of contracts be made
13 exempt from State contracting goals for businesses owned
14 by minorities, women, and persons with disabilities
15 whenever there has been a determination, reduced to
16 writing and based on the best information available at the
17 time of the determination, that there is an insufficient
18 number of qualified businesses owned by minorities, women,
19 and persons with disabilities to ensure adequate
20 competition and an expectation of reasonable prices on
21 bids or proposals within that class. Any such exemption
22 shall be given by the Council to the Bureau on
23 Apprenticeship Programs and Clean Energy Jobs.

24 (a-1) Written request for class exemption. A written
25 request for a class exemption must include, but is not
26 limited to, the following:

1 (i) a list of eligible businesses owned by
2 minorities, women, and persons with disabilities;

3 (ii) a clear demonstration that the number of
4 eligible businesses identified in subparagraph (i)
5 above is insufficient to ensure adequate competition;

6 (iii) the difference in cost between the contract
7 proposals being offered by eligible businesses owned
8 by minorities, women, and persons with disabilities
9 and the agency or public institution of higher
10 education's expectations of reasonable prices on bids
11 or proposals within that class; and

12 (iv) the number of class exemptions the affected
13 agency or public institution of higher education
14 requested in the current and prior fiscal years.

15 (a-2) Determination. The Council's determination
16 concerning class exemptions must consider, at a minimum,
17 the following:

18 (i) the justification for the requested exemption,
19 including whether diligent efforts were undertaken to
20 identify and solicit eligible businesses owned by
21 minorities, women, and persons with disabilities;

22 (ii) the total number of class exemptions granted
23 to the requesting agency or public institution of
24 higher education that have been granted by the Council
25 in the current and prior fiscal years; and

26 (iii) the percentage of contracts awarded by the

1 agency or public institution of higher education to
2 eligible businesses owned by minorities, women, and
3 persons with disabilities the current and prior fiscal
4 years.

5 (b) Limitation. Any such class exemption shall not be
6 permitted for a period of more than one year at a time.

7 (3) Waivers. Where a particular contract requires a
8 contractor to meet a goal established pursuant to this Act,
9 the contractor shall have the right to request a waiver from
10 such requirements prior to the contract award. The Council
11 shall grant the waiver when the contractor demonstrates that
12 there has been made a good faith effort to comply with the
13 goals for participation by businesses owned by minorities,
14 women, and persons with disabilities. Any such waiver shall
15 also be transmitted in writing to the Bureau on Apprenticeship
16 Programs and Clean Energy Jobs.

17 (a) Request for waiver. A contractor's request for a
18 waiver under this subsection (3) must include, but is not
19 limited to, the following, if available:

20 (i) a list of eligible businesses owned by
21 minorities, women, and persons with disabilities that
22 pertain to the scope of work of the contract. Eligible
23 businesses are only eligible if the business is
24 certified for the products or work advertised in the
25 solicitation;

26 (ii) (blank);

1 (iia) a clear demonstration that the contractor
2 selected portions of the work to be performed by
3 eligible businesses owned by minorities, women, and
4 persons with disabilities, solicited through all
5 reasonable and available means eligible businesses,
6 and negotiated in good faith with interested eligible
7 businesses;

8 (iib) documentation demonstrating that businesses
9 owned by minorities, women, and persons with
10 disabilities are not rejected as being unqualified
11 without sound reasons based on a thorough
12 investigation of their capabilities;

13 (iii) documentation demonstrating that the
14 contract proposals being offered by businesses owned
15 by minorities, women, and persons with disabilities
16 are excessive or unreasonable; and

17 (iv) a list of businesses owned by minorities,
18 women, and persons with disabilities that the
19 contractor has used in the current and prior fiscal
20 years.

21 (b) Determination. The Council's determination
22 concerning waivers must include following:

23 (i) the justification for the requested waiver,
24 including whether the requesting contractor made a
25 good faith effort to identify and solicit eligible
26 businesses owned by minorities, women, and persons

1 with disabilities;

2 (ii) the total number of waivers the contractor
3 has been granted by the Council in the current and
4 prior fiscal years;

5 (iii) (blank); and

6 (iv) the contractor's use of businesses owned by
7 minorities, women, and persons with disabilities in
8 the current and prior fiscal years.

9 (3.5) (Blank).

10 (4) Conflict with other laws. In the event that any State
11 contract, which otherwise would be subject to the provisions
12 of this Act, is or becomes subject to federal laws or
13 regulations which conflict with the provisions of this Act or
14 actions of the State taken pursuant hereto, the provisions of
15 the federal laws or regulations shall apply and the contract
16 shall be interpreted and enforced accordingly.

17 (5) Each chief procurement officer, as defined in the
18 Illinois Procurement Code, shall maintain on his or her
19 official Internet website a database of the following: (i)
20 waivers granted under this Section with respect to contracts
21 under his or her jurisdiction; (ii) a State agency or public
22 institution of higher education's written request for an
23 exemption of an individual contract or an entire class of
24 contracts; and (iii) the Council's written determination
25 granting or denying a request for an exemption of an
26 individual contract or an entire class of contracts. The

1 database, which shall be updated periodically as necessary,
2 shall be searchable by contractor name and by contracting
3 State agency.

4 (6) Each chief procurement officer, as defined by the
5 Illinois Procurement Code, shall maintain on its website a
6 list of all firms that have been prohibited from bidding,
7 offering, or entering into a contract with the State of
8 Illinois as a result of violations of this Act.

9 Each public notice required by law of the award of a State
10 contract shall include for each bid or offer submitted for
11 that contract the following: (i) the bidder's or offeror's
12 name, (ii) the bid amount, (iii) the name or names of the
13 certified firms identified in the bidder's or offeror's
14 submitted utilization plan, and (iv) the bid's amount and
15 percentage of the contract awarded to businesses owned by
16 minorities, women, and persons with disabilities identified in
17 the utilization plan.

18 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
19 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

20 (35 ILCS 5/206 rep.)

21 Section 90-37. The Illinois Income Tax Act is amended by
22 repealing Section 206.

23 Section 90-39. The Property Tax Code is amended by
24 changing Sections 1-130, 10-5, and 10-610 as follows:

1 (35 ILCS 200/1-130)

2 Sec. 1-130. Property; real property; real estate; land;
3 tract; lot.

4 (a) The land itself, with all things contained therein,
5 and also all buildings, structures and improvements, and other
6 permanent fixtures thereon, including all oil, gas, coal, and
7 other minerals in the land and the right to remove oil, gas and
8 other minerals, excluding coal, from the land, and all rights
9 and privileges belonging or pertaining thereto, except where
10 otherwise specified by this Code. Not included therein are
11 low-income housing tax credits authorized by Section 42 of the
12 Internal Revenue Code, 26 U.S.C. 42.

13 (b) Notwithstanding any other provision of law, mobile
14 homes and manufactured homes that (i) are located outside of
15 mobile home parks and (ii) are taxed under the Mobile Home
16 Local Services Tax Act on the effective date of this
17 amendatory Act of the 96th General Assembly shall continue to
18 be taxed under the Mobile Home Local Services Tax Act and shall
19 not be assessed and taxed as real property until the home is
20 sold or transferred or until the home is relocated to a
21 different parcel of land outside of a mobile home park. If a
22 mobile home or manufactured home described in this subsection
23 (b) is sold, transferred, or relocated to a different parcel
24 of land outside of a mobile home park, then the home shall be
25 assessed and taxed as real property whether or not that mobile

1 home or manufactured home is affixed to a permanent
2 foundation, as defined in Section 5-5 of the Conveyance and
3 Encumbrance of Manufactured Homes as Real Property and
4 Severance Act, or installed on a permanent foundation, and
5 whether or not such mobile home or manufactured home is real
6 property as defined in Section 5-35 of the Conveyance and
7 Encumbrance of Manufactured Homes as Real Property and
8 Severance Act. Mobile homes and manufactured homes that are
9 located outside of mobile home parks and assessed and taxed as
10 real property on the effective date of this amendatory Act of
11 the 96th General Assembly shall continue to be assessed and
12 taxed as real property whether or not those mobile homes or
13 manufactured homes are affixed to a permanent foundation as
14 defined in the Conveyance and Encumbrance of Manufactured
15 Homes as Real Property and Severance Act or installed on
16 permanent foundations and whether or not those mobile homes or
17 manufactured homes are real property as defined in the
18 Conveyance and Encumbrance of Manufactured Homes as Real
19 Property and Severance Act. If a mobile or manufactured home
20 that is located outside of a mobile home park is relocated to a
21 mobile home park, it must be considered chattel and must be
22 taxed according to the Mobile Home Local Services Tax Act. The
23 owner of a mobile home or manufactured home that is located
24 outside of a mobile home park may file a request with the chief
25 county assessment officer that the home be taxed as real
26 property.

1 (c) Mobile homes and manufactured homes that are located
2 in mobile home parks must be taxed according to the Mobile Home
3 Local Services Tax Act.

4 (d) If the provisions of this Section conflict with the
5 Illinois Manufactured Housing and Mobile Home Safety Act, the
6 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
7 or any other provision of law with respect to the taxation of
8 mobile homes or manufactured homes located outside of mobile
9 home parks, the provisions of this Section shall control.

10 (e) Spent fuel pools and dry cask storage systems in which
11 nuclear fuel is stored and is pending further or final
12 disposal from a nuclear power plant that was decommissioned
13 before January 1, 2021 shall be considered real property and
14 be assessable.

15 (Source: P.A. 98-749, eff. 7-16-14.)

16 (35 ILCS 200/10-5)

17 Sec. 10-5. Solar energy systems; definitions. It is the
18 policy of this State that the use of solar energy systems
19 should be encouraged because they conserve nonrenewable
20 resources, reduce pollution and promote the health and
21 well-being of the people of this State, and should be valued in
22 relation to these benefits.

23 (a) "Solar energy" means radiant energy received from the
24 sun at wave lengths suitable for heat transfer, photosynthetic
25 use, or photovoltaic use.

1 (b) "Solar collector" means

2 (1) An assembly, structure, or design, including
3 passive elements, used for gathering, concentrating, or
4 absorbing direct and indirect solar energy, specially
5 designed for holding a substantial amount of useful
6 thermal energy and to transfer that energy to a gas,
7 solid, or liquid or to use that energy directly; or

8 (2) A mechanism that absorbs solar energy and converts
9 it into electricity; or

10 (3) A mechanism or process used for gathering solar
11 energy through wind or thermal gradients; or

12 (4) A component used to transfer thermal energy to a
13 gas, solid, or liquid, or to convert it into electricity.

14 (c) "Solar storage mechanism" means equipment or elements
15 (such as piping and transfer mechanisms, containers, heat
16 exchangers, or controls thereof, and gases, solids, liquids,
17 or combinations thereof) that are utilized for storing solar
18 energy, gathered by a solar collector, for subsequent use.

19 (d) "Solar energy system" means

20 (1) (A) A complete assembly, structure, or design of
21 solar collector, or a solar storage mechanism, which uses
22 solar energy for generating electricity that is primarily
23 consumed on the property on which the solar energy system
24 resides, or for heating or cooling gases, solids, liquids,
25 or other materials for the primary benefit of the property
26 on which the solar energy system resides;

1 (B) The design, materials, or elements of a system and
2 its maintenance, operation, and labor components, and the
3 necessary components, if any, of supplemental conventional
4 energy systems designed or constructed to interface with a
5 solar energy system; ~~and~~

6 (C) Any legal, financial, or institutional orders,
7 certificates, or mechanisms, including easements, leases,
8 and agreements, required to ensure continued access to
9 solar energy, its source, or its use in a solar energy
10 system, and including monitoring and educational elements
11 of a demonstration project; or-

12 (D) Photovoltaic electricity generation systems
13 subject to power purchase agreements or leases for solar
14 energy between a third-party owner, an operator, or both,
15 and an end user of electricity, where such systems are
16 located on the end user of electricity's side of the
17 electric meter and which primarily are used to offset the
18 electricity load of the end user behind whose electric
19 meter the system is connected. A system primarily is used
20 to offset the electricity load of the end user of
21 electricity if the system is estimated to produce 110% or
22 fewer kilowatt-hours of electricity than consumed by the
23 end user of electricity at such meter in the last 12 full
24 months prior to the system being placed in service.

25 (2) "Solar energy system" does not include:

26 (A) Distribution equipment that is equally usable

1 in a conventional energy system except for those
2 components of the equipment that are necessary for
3 meeting the requirements of efficient solar energy
4 utilization;

5 (B) Components of a solar energy system that serve
6 structural, insulating, protective, shading,
7 aesthetic, or other non-solar energy utilization
8 purposes, as defined in the regulations of the
9 Department of Commerce and Economic Opportunity; or
10 ~~and~~

11 (C) A commercial solar energy system, as defined
12 by this Code, in counties with fewer than 3,000,000
13 inhabitants.

14 (3) The solar energy system shall conform to the
15 standards for those systems established by regulation of
16 the Department of Commerce and Economic Opportunity.

17 (Source: P.A. 100-781, eff. 8-10-18.)

18 (35 ILCS 200/10-610)

19 Sec. 10-610. Applicability.

20 (a) The provisions of this Division apply for assessment
21 years 2007 through 2035 ~~2021~~.

22 (b) The provisions of this Division do not apply to wind
23 energy devices that are owned by any person or entity that is
24 otherwise exempt from taxation under the Property Tax Code.

25 (Source: P.A. 99-825, eff. 8-16-16.)

1 Section 90-43. The School Code is amended by changing
2 Section 10-22.11 as follows:

3 (105 ILCS 5/10-22.11) (from Ch. 122, par. 10-22.11)

4 Sec. 10-22.11. Lease of school property.

5 (a) To lease school property to another school district,
6 municipality or body politic and corporate for a term of not to
7 exceed 25 years, except as otherwise provided in this Section,
8 and upon such terms and conditions as may be agreed if in the
9 opinion of the school board use of such property will not be
10 needed by the district during the term of such lease;
11 provided, the school board shall not make or renew any lease
12 for a term longer than 10 years, nor alter the terms of any
13 lease whose unexpired term may exceed 10 years without the
14 vote of 2/3 of the full membership of the board.

15 (b) Whenever the school board considers such action
16 advisable and in the best interests of the school district, to
17 lease vacant school property for a period not exceeding 51
18 years to a private not for profit school organization for use
19 in the care of persons with a mental disability who are
20 trainable and educable in the district or in the education of
21 the gifted children in the district. Before leasing such
22 property to a private not for profit school organization, the
23 school board must adopt a resolution for the leasing of such
24 property, fixing the period and price therefor, and order

1 submitted to referendum at an election to be held in the
 2 district as provided in the general election law, the question
 3 of whether the lease should be entered into. Thereupon, the
 4 secretary shall certify to the proper election authorities the
 5 proposition for submission in accordance with the general
 6 election law. If the majority of the voters voting upon the
 7 proposition vote in favor of the leasing, the school board may
 8 proceed with the leasing. The proposition shall be in
 9 substantially the following form:

10 -----
 11 Shall School District No. of
 12 County, Illinois lease to YES
 13 (here name and identify the
 14 lessee) the following described vacant -----
 15 school property (here describe the
 16 property) for a term of years NO
 17 for the sum of Dollars?
 18 -----

19 This paragraph (b) shall not be construed in such a manner
 20 as to relieve the responsibility of the Board of Education as
 21 set out in Article 14 of the School Code.

22 (c) To lease school buildings and land to suitable lessees
 23 for educational purposes or for any other purpose which serves
 24 the interests of the community, for a term not to exceed 25
 25 years and upon such terms and conditions as may be agreed upon
 26 by the parties, when such buildings and land are declared by

1 the board to be unnecessary or unsuitable or inconvenient for
2 a school or the uses of the district during the term of the
3 lease and when, in the opinion of the board, the best interests
4 of the residents of the school district will be enhanced by
5 entering into such a lease. Such leases shall include
6 provisions for adequate insurance for both liability and
7 property damage or loss, and reasonable charges for
8 maintenance and depreciation of such buildings and land.

9 (d) Notwithstanding any other provision to the contrary, a
10 lease for vacant school property may exceed 25 years for
11 renewable energy resources, as defined in Section 1-10 of the
12 Illinois Power Agency Act.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 Section 90-45. The University of Illinois Act is amended
15 by adding Section 120 as follows:

16 (110 ILCS 305/120 new)

17 Sec. 120. Carbon capture, utilization, and storage report.

18 (a) Subject to appropriation, the Prairie Research
19 Institute at the University of Illinois at Urbana-Champaign,
20 in consultation with an intergovernmental advisory committee,
21 must file a report on the potential for carbon capture,
22 utilization, and storage as a climate mitigation technology
23 throughout Illinois with the Governor and the General Assembly
24 no later than December 31, 2022. The report shall provide an

1 assessment of Illinois subsurface storage resources, a
2 description of existing and selected subsurface storage
3 projects, and best practices for carbon storage. Additionally,
4 the report shall provide recommendations for policy and
5 regulatory needs at the State level based on its findings, and
6 shall, at a minimum, address all the following areas:

7 (1) carbon capture, utilization, and storage current
8 status and future storage resource potential in the State.
9 Enhanced Oil Recovery shall remain outside the scope of
10 this study;

11 (2) procedures, standards, and safeguards for the
12 storage of carbon dioxide;

13 (3) permitting processes and the coordination with
14 applicable federal law or regulatory commissions,
15 including the Class VI injection well permitting process;

16 (4) economic impact, job creation, and job retention
17 from carbon capture, utilization, and storage that both
18 protects the environment and supports short-term and
19 long-term economic growth;

20 (5) development of knowledge capacity of appropriate
21 State agencies and stakeholders;

22 (6) environmental justice and stakeholder issues
23 related to carbon capture, utilization, and storage
24 throughout the State;

25 (7) leveraging federal policies and public-private
26 partnerships for research, design, and development to

1 benefit the State;

2 (8) liability for the storage and monitoring
3 maintenance of the carbon dioxide after the completion of
4 a carbon capture, utilization, and storage project;

5 (9) acquisition, ownership, and amalgamation of pore
6 space for carbon capture, utilization, and storage;

7 (10) methodologies to establish any necessary fees,
8 costs, or offsets; and

9 (11) any risks to health, safety, the environment, and
10 property uses or values.

11 (b) In developing the report under this Section, the
12 Prairie Research Institute shall form an advisory committee,
13 which shall be composed of all the following members:

14 (1) the Director of the Environmental Protection
15 Agency, or his or her designee;

16 (2) the Director of Natural Resources, or his or her
17 designee;

18 (3) the Director of Commerce and Economic Opportunity,
19 or his or her designee;

20 (4) the Director of the Illinois Emergency Management
21 Agency, or his or her designee;

22 (5) the Director of Agriculture, or his or her
23 designee;

24 (6) the Attorney General, or his or her designee;

25 (7) one member of the Senate, appointed by the
26 President of the Senate;

1 (8) one member of the House of Representatives,
2 appointed by the Speaker of the House of Representatives;

3 (9) one member of the Senate, appointed by the
4 Minority Leader of the Senate; and

5 (10) one member of the House of Representatives,
6 appointed by the Minority Leader of the House of
7 Representatives.

8 (c) No later than 60 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, the advisory
10 committee shall hold its first meeting at the call of the
11 Executive Director of the Prairie Research Institute, at which
12 meeting the members shall select a chairperson from among
13 themselves. After its first meeting, the committee shall meet
14 at the call of the chairperson. Members of the committee shall
15 serve without compensation. The Prairie Research Committee
16 shall provide administrative support to the committee.

17 (d) The Prairie Research Institute shall also engage with
18 interested stakeholders throughout the State to gain insights
19 into socio-economic perspectives from environmental justice
20 organizations, environmental non-governmental organizations,
21 industry, landowners, farm bureaus, manufacturing, labor
22 unions, and others.

23 (e) This Section is repealed on January 1, 2023.

24 Section 90-50. The Public Utilities Act is amended by
25 changing Sections 5-117, 8-103B, 8-406, 9-241, 16-107.5,

1 16-107.6, 16-108, 16-111.5, and 16-127 and by adding Sections
2 4-604, 4-604.5, 4-605, 8-201.8, 8-201.10, 8-218, 8-402.2,
3 8-512, 9-228, 9-229, 16-105.5, 16-105.6, 16-105.7, 16-105.10,
4 16-105.17, 16-108.18, 16-108.19, 16-108.20, 16-108.21,
5 16-108.25, 16-108.30, 16-111.10, 16-135, and 17-900 as
6 follows:

7 (220 ILCS 5/4-604 new)

8 Sec. 4-604. Electric and gas public utilities ethical
9 conduct and transparency.

10 (a) It is the policy of this State that, as regulated,
11 monopoly entities providing essential services, public
12 utilities must adhere to the highest standards of ethical
13 conduct. It is in the public interest to ensure ethical public
14 utility conduct of the highest standards. It is therefore
15 necessary for the public interest, safety, and welfare of the
16 State and of public utility customers to develop rigorous
17 ethical standards and scrutinize and limit public utility
18 actions, expenditures, and contracting. It is also necessary
19 to provide increased transparency to ensure ethical public
20 utility conduct.

21 (b) The standards set forth in this Section and the
22 Illinois Administrative Code rules implementing this Section
23 shall apply, to the extent practicable, to electric and gas
24 public utilities and their energy-related subsidiaries.

25 (c) Public Utility Ethics and Compliance Monitor. To

1 ensure that public utilities meet the highest level of ethical
2 standards, including, but not limited to, those standards
3 established in this Section, the Commission shall, within 60
4 days after the effective date of this amendatory Act of the
5 102nd General Assembly, establish an Ethics and Accountability
6 Division at the Commission and shall create a new position of
7 Public Utility Ethics and Compliance Monitor who reports to
8 the Executive Director of the Commission. The role of the
9 Public Utility Ethics and Compliance Monitor shall be to
10 oversee electric and gas public utilities' compliance with the
11 standards established in this Section, the Illinois
12 Administrative Code, and any other regulatory or statutory
13 obligation regarding standards of ethical conduct. The
14 responsibilities of the Public Utility Ethics and Compliance
15 Monitor shall include:

16 (1) Hiring additional staff for the Ethics and
17 Accountability Division, as deemed necessary to fulfill
18 the duties imposed under this Section.

19 (2) Overseeing each public utility's Chief Compliance
20 and Ethics Officer's monitoring, auditing, investigation,
21 enforcement, reporting, disciplinary activities, and any
22 other actions required of the Chief Compliance and Ethics
23 Officer pursuant to subsection (d) of this Section. If the
24 Public Utility Ethics and Compliance Monitor finds a
25 public utility has not complied with the standards set
26 forth in this Section, or with administrative rules

1 implementing this Section, the Public Utility Ethics and
2 Compliance Monitor shall detail such deficiencies in a
3 report to the Commission and shall include a
4 recommendation for Commission action.

5 (3) Documenting violations of the standards in this
6 Section or in related Sections of the Illinois
7 Administrative Code and, in coordination with the
8 utility's Chief Compliance and Ethics Officer, ensuring
9 each public utility administers appropriate internal
10 disciplinary actions and provides transparent reporting to
11 the Commission. If there are violations of the standards
12 in this Section or in related Sections of the Illinois
13 Administrative Code where the public utility does not take
14 disciplinary action or where that action is not aligned
15 with the recommendation of the Public Utility Ethics and
16 Compliance Monitor, the Public Utility Ethics and
17 Compliance Monitor shall, within 30 days, report the
18 violation, the recommended disciplinary action, and the
19 public utility's actual disciplinary action, to the
20 Executive Director of the Commission. Such reports shall
21 be included in the annual ethics report required by
22 paragraph (5) of this subsection (c) and must describe the
23 violation and related recommendations.

24 (4) Reviewing and keeping informed regarding internal
25 controls, code of ethical conduct, practices, procedures,
26 and conduct of each public utility. The Public Utilities

1 Ethics and Compliance Monitor may recommend any new
2 internal controls, policies, practices or procedures the
3 public utility should undertake in order to ensure
4 compliance with this Section and with relevant Sections of
5 the Illinois Administrative Code.

6 (5) Publishing an annual ethics audit for each
7 electric and gas public utility describing the public
8 utility's internal controls, policies, practices, and
9 procedures to comply with statutes, rules, court orders,
10 or other applicable authority. The report shall include a
11 record of any disciplinary actions taken related to
12 unethical conduct as well as any recommendations made by
13 the Public Utility Ethics and Compliance Monitor and the
14 public utility's response to each recommendation. This
15 report must be made public and the Commission may make
16 necessary redactions.

17 (6) Monitoring, auditing, and subpoenaing all records
18 necessary for the Public Utility Ethics and Compliance
19 Monitor to meet the responsibilities imposed under this
20 Section and related rules, including, but not limited to,
21 contracts with third party entities, accounting records,
22 communication with public officials or their staff,
23 lobbying activities, expenses on lobbyists and
24 consultants, legal expenses, and internal compliance
25 policies.

26 (d) (1) No later than 60 days after the effective date of

1 this amendatory Act of the 102nd General Assembly, each public
2 utility shall establish a position of Chief Ethics and
3 Compliance Officer if such position does not already exist
4 within the utility or at an affiliated company, provided that
5 if the position exists at an affiliated company such
6 individual may be designated to serve in this role for the
7 utility. The Chief Ethics and Compliance Officer shall be
8 responsible for ensuring that the public utility complies with
9 the highest standards of ethical conduct, including, but not
10 limited to, complying with the standards imposed under this
11 Section, those adopted pursuant to a rulemaking authorized by
12 this Section, and other applicable requirements of Illinois
13 law and rules.

14 (2) Each public utility's Chief Ethics and Compliance
15 Officer shall:

16 (A) oversee creation and implementation of a code of
17 ethical conduct for the public utility, applicable to all
18 directors, officers, employees, and lobbyists of the
19 public utility, as well as to all contractors,
20 consultants, agents, vendors, and business partners of the
21 public utility in connection with their activities with or
22 on behalf of the public utility;

23 (B) oversee training for public utility directors,
24 officers, and employees, as well as contractors,
25 consultants, lobbyists and political consultants, on the
26 public utility's code of ethical conduct, practices, and

1 procedures to advise agents, vendors, and business
2 partners of the public utility of the applicability of the
3 code of ethical conduct to their activities with or on
4 behalf of the public utility;

5 (C) oversee the ongoing monitoring of all contractors,
6 consultants, and vendors who are contracted for the
7 purpose of carrying out lobbying activities to ensure
8 their continued compliance with applicable ethical
9 standards;

10 (D) at least annually, oversee a review of the public
11 utility's internal controls, code of ethical conduct,
12 practices, and procedures to assess their continued
13 effectiveness to ensure the highest standards of ethical
14 conduct among the public utility's directors, officers,
15 employees, contractors, consultants, lobbyists, vendors,
16 agents and business partners; and

17 (E) maintain records of all conduct determined to be
18 in violation of Illinois law, rules, and regulations, and
19 the utility's response to that conduct, and make such
20 records available for inspection by the Public Utility
21 Ethics and Compliance Monitor.

22 (e) In addition to those standards established under this
23 Section, those adopted pursuant to a rulemaking authorized by
24 this Section, and other applicable requirements of Illinois
25 law and rules, each public utility Chief Ethics and Compliance
26 Officer shall oversee and ensure the development and

1 implementation of internal controls, policies, and procedures
2 to achieve the objectives set forth in paragraphs (1) through
3 (3) of this subsection. Such implementation shall begin no
4 later than 90 days after the effective date of this amendatory
5 Act of the 102nd General Assembly.

6 (1) The hiring of contractors, consultants and vendors
7 for the purpose of carrying out lobbying pursuant to the
8 Lobbyist Registration Act shall be reviewed and approved
9 by the Chief Ethics and Compliance Officer.

10 (2) No agreement between a public utility and a
11 contractor, consultant, or vendor engaged for the purpose
12 of carrying out lobbying pursuant to the Lobbyist
13 Registration Act shall permit that contractor, consultant,
14 or vendor to subcontract any portion of that work.

15 (3) Public utilities shall require contractors,
16 consultants, and vendors who are contracted for the
17 purpose of carrying out lobbying pursuant to the Lobbyist
18 Registration Act to provide detailed invoices and reports
19 describing activities taken and amounts billed for such
20 activities, including all persons involved and anything of
21 value requested or solicited or provided to public
22 officials or their staff, including hiring requests. No
23 such contractor, consultant, or vendor shall be paid
24 without having first submitted a detailed invoice or
25 report.

26 For purposes of this Section, "anything of value"

1 includes, but is not limited to, money, gifts,
2 entertainment, hiring referrals and recommendations to the
3 public utility, campaign contributions, vendor referrals,
4 and contributions to charitable organizations solicited by
5 or on behalf of the public official.

6 (f) Each public utility shall be required to submit an
7 annual ethics and compliance report to the Commission no later
8 than May 1 of each year, beginning May 1, 2022. The utility's
9 Chief Ethics and Compliance Officer shall oversee the
10 preparation and submission of the report and shall certify it.
11 Each report shall describe in detail the public utility's
12 internal controls, codes of ethical conduct, practices, and
13 procedures. The reporting implemented during the reporting
14 period to comply with the standards set forth in this Section,
15 rules adopted by the Commission, and other applicable
16 requirements of Illinois law and rules. Each report shall also
17 identify any material changes implemented to such internal
18 controls, code of ethical conduct, practices, and procedures
19 during the reporting period, as well as any material changes
20 implemented, or anticipated to be implemented, in the calendar
21 year in which the report is filed. Each report shall, for the
22 applicable reporting period include at least the following
23 information:

24 (1) a summary and description of the public utility's
25 system of financial and accounting procedures, internal
26 controls, and practices, including an explanation of how

1 this system is reasonably designed to ensure the
2 maintenance of fair and accurate books, records, and
3 accounts and to provide reasonable assurances that
4 transactions are recorded as necessary to permit
5 preparation of financial statements in conformity with
6 generally accepted accounting principles and Commission
7 requirements and to maintain accountability for assets;

8 (2) a summary and description of the public utility's
9 process for conducting an assessment of ethics and
10 compliance risks and a representation that an assessment
11 was conducted in accordance with those risks and shared
12 with the public utility's senior management and board of
13 directors;

14 (3) a summary of the public utility's implementation
15 of mechanisms, including, but not limited to, training
16 programs designed to ensure that its internal controls,
17 code of ethical conduct, practices, and procedures are
18 effectively communicated to all directors, officers,
19 employees, contractors, consultants, lobbyists, vendors,
20 agents, and business partners;

21 (4) a summary of the public utility's efforts to
22 ensure that its directors and senior management provide
23 strong, explicit, and visible support and commitment to
24 its corporate policy against violations of federal and
25 State law;

26 (5) a summary of the public utility's implementation

1 of mechanisms designed to effectively enforce its internal
2 controls, code of ethical conduct, practices, and
3 procedures, including appropriately providing incentives
4 for compliance, disciplining violators, and applying such
5 code, controls, policies, practices, and procedures
6 consistently and fairly regardless of the position held
7 by, or the importance of, the director, officer, or
8 employee; and

9 (6) a summary of the public utility's implementation
10 of procedures to ensure that, where misconduct is
11 discovered, reasonable steps are taken to remedy the harm
12 resulting from such misconduct, including disciplinary
13 action, logging the conduct and the utility's response as
14 required by item (E) of paragraph (2) of subsection (d) of
15 this Section and assessing and modifying as appropriate
16 the internal controls, code, policies, practices and
17 procedures necessary to ensure that the compliance program
18 is effective.

19 For purposes of this Section, "reporting period" means
20 the most recent 12-month calendar year period preceding
21 the applicable May 1 annual report filing date.

22 (g) Notwithstanding the provisions of this Section, the
23 Commission shall initiate a management audit pursuant to
24 Section 8-102 of this Act by the later of 18 months after the
25 effective date of this amendatory Act of the 102nd General
26 Assembly or 18 months after a conviction or a plea or agreement

1 of each public utility that, on or after January 1, 2020, has
2 been found guilty or entered a guilty plea regarding any
3 felony offense or has entered into a Deferred Prosecution
4 Agreement for a felony offense. Such audit shall address, at a
5 minimum, the topics identified in paragraphs (1) through (6)
6 of subsection (f).

7 (h) Each public utility that files a report pursuant to
8 subsection (f) must submit the specified filing fee at the
9 time the Chief Clerk of the Commission accepts the filing. The
10 filing fees applicable to each annual report are as follows:
11 \$15,000 for public utilities that serve fewer than 100,000
12 customers in the State; \$75,000 for public utilities that
13 serve at least 100,000 customers but not more than 500,000
14 customers in the State; \$200,000 for public utilities that
15 serve at least 500,000 customers in the State but not more than
16 3,000,000; and \$500,000 for public utilities that serve at
17 least 3,000,000 customers in the State.

18 (i) In the event the Public Utility Ethics and Compliance
19 Monitor finds a public utility does not comply with any
20 portion of this Section, or with the rules adopted under this
21 Section, the Public Utility Ethics and Compliance Monitor
22 shall issue a Report to the Commission detailing the public
23 utility's deficiencies. The Commission shall have authority to
24 open an investigation and shall order remediation and
25 penalties, including fines, as appropriate.

26 (j) Each year, each public utility in the State shall

1 remit amounts necessary for the Commission to pay the wages,
2 overhead, travel expenses, and other costs of the Public
3 Utility Ethics and Compliance Monitor. The public utility
4 shall remit payment to the Commission in an amount determined
5 by the Commission based on that public utility's proportional
6 share, by number of customers.

7 (k) The costs of a public utility that arise from a
8 criminal investigation or result from an investigation
9 initiated by the Commission as the result of an ethics
10 violation are not costs of service and shall not be
11 recoverable in rates.

12 (l) The Commission shall have the authority to adopt rules
13 and emergency rules where applicable to implement this
14 Section.

15 (220 ILCS 5/4-604.5 new)

16 Sec. 4-604.5. Restitution for misconduct.

17 (a) It is the policy of this State that public utility
18 ethical and criminal misconduct shall not be tolerated. The
19 General Assembly finds it necessary to collect restitution, to
20 be distributed as described in subsection (e), from a public
21 utility that has been found guilty of violations of criminal
22 law or that has entered into a Deferred Prosecution Agreement
23 that details violations of criminal law that result in harm to
24 ratepayers.

25 (b) In light of such violations, the Illinois Commerce

1 Commission shall, within 150 days after the effective date of
2 this amendatory Act of the 102nd General Assembly, initiate an
3 investigation as to whether Commonwealth Edison collected,
4 spent, allocated, transferred, remitted, or caused in any
5 other way to be expended ratepayer funds in connection with
6 the conduct detailed in the Deferred Prosecution Agreement of
7 July 16, 2020 between the United States Attorney for the
8 Northern District of Illinois and Commonwealth Edison. The
9 investigation shall also determine whether any ratepayer funds
10 were used to pay the criminal penalty agreed to in the Deferred
11 Prosecution Agreement. The investigation shall determine
12 whether the public utility collected, spent, allocated,
13 transferred, remitted, or caused in any other way to be
14 expended ratepayer funds that were not lawfully recoverable
15 through rates, and which should accordingly be refunded to
16 ratepayers and calculate such benefits to initiate a refund to
17 ratepayers as a result of such conduct. The investigation
18 shall conclude no later than 330 days following initiation and
19 shall be conducted as a contested case, as defined in Section
20 1-30 of the Illinois Administrative Procedure Act.

21 (c) If regulated entities are found guilty of criminal
22 conduct, the Commission may initiate an investigation, impose
23 penalties, order restitution and such other remedies it deems
24 necessary, and initiate refunds to ratepayers as described in
25 subsection (b). Such investigation and proceeding may commence
26 within 150 days of a finding of guilt. Any funds collected

1 pursuant to this subsection shall be distributed as described
2 in subsection (e). The Commission may order any other remedies
3 it deems necessary.

4 (d) Pursuant to subsection (e), the investigation shall
5 calculate a schedule for remittance to State funds and to
6 ratepayers, over a period of no more than 4 years, to be paid
7 by the public utility from profits, returns, or shareholder
8 dollars. No costs related to the investigation or contested
9 proceeding authorized by this Section, restitution, or refunds
10 may be recoverable through rates.

11 (e) Funds collected pursuant to this Section, for the
12 purposes of restitution, shall be repaid by the public utility
13 as a per therm or per-kilowatt-hour credit to the public
14 utility's ratepayers as a separate line item on the utility
15 bill.

16 (f) No public utility may use ratepayer funds to pay a
17 criminal penalty imposed by any local, State, or federal law
18 enforcement entity or court.

19 (g) Any penalties, restitution, refunds, or remedies
20 provided for in this Section are in addition to and not a
21 substitution for other remedies that may be provided for by
22 law.

23 (220 ILCS 5/4-605 new)

24 Sec. 4-605. Reliability mitigation plan findings. The
25 General Assembly finds that reducing carbon dioxide and

1 copollutant emissions in a manner that does not threaten
2 electric reliability and resource adequacy is essential to the
3 health and safety of all Illinois citizens. Therefore, the
4 Commission shall review reliability mitigation plans filed
5 pursuant to Section 9.15 of the Environmental Protection Act
6 to ensure adequate, reliable, affordable, efficient, and
7 environmentally sustainable electric service is available to
8 ratepayers by approving reliability mitigation plans that
9 permit the Illinois Pollution Control Board to enforce
10 emission reductions in a manner that preserves reliability and
11 resource adequacy in wholesale and retail electricity markets.

12 (220 ILCS 5/5-117)

13 Sec. 5-117. Supplier diversity goals.

14 (a) The public policy of this State is to collaboratively
15 work with companies that serve Illinois residents to improve
16 their supplier diversity in a non-antagonistic manner.

17 (b) The Commission shall require all gas, electric, and
18 water companies with at least 100,000 customers under its
19 authority, as well as suppliers of wind energy, solar energy,
20 hydroelectricity, nuclear energy, and any other supplier of
21 energy within this State other than wind energy and solar
22 energy required to comply with the reporting requirements
23 under Section 1505-215 of the Department of Labor Law of the
24 Civil Administrative Code of Illinois, to submit an annual
25 report by April 15, 2015 and every April 15 thereafter, in a

1 searchable Adobe PDF format, on all procurement goals and
2 actual spending for female-owned, minority-owned,
3 veteran-owned, and small business enterprises in the previous
4 calendar year. These goals shall be expressed as a percentage
5 of the total work performed by the entity submitting the
6 report, and the actual spending for all female-owned,
7 minority-owned, veteran-owned, and small business enterprises
8 shall also be expressed as a percentage of the total work
9 performed by the entity submitting the report.

10 (c) Each participating company in its annual report shall
11 include the following information:

12 (1) an explanation of the plan for the next year to
13 increase participation;

14 (2) an explanation of the plan to increase the goals;

15 (3) the areas of procurement each company shall be
16 actively seeking more participation in ~~in~~ the next year;

17 (4) an outline of the plan to alert and encourage
18 potential vendors in that area to seek business from the
19 company;

20 (5) an explanation of the challenges faced in finding
21 quality vendors and offer any suggestions for what the
22 Commission could do to be helpful to identify those
23 vendors;

24 (6) a list of the certifications the company
25 recognizes;

26 (7) the point of contact for any potential vendor who

1 wishes to do business with the company and explain the
2 process for a vendor to enroll with the company as a
3 minority-owned, women-owned, or veteran-owned company; and

4 (8) any particular success stories to encourage other
5 companies to emulate best practices.

6 (d) Each annual report shall include as much
7 State-specific data as possible. If the submitting entity does
8 not submit State-specific data, then the company shall include
9 any national data it does have and explain why it could not
10 submit State-specific data and how it intends to do so in
11 future reports, if possible.

12 (e) Each annual report shall include the rules,
13 regulations, and definitions used for the procurement goals in
14 the company's annual report.

15 (f) The Commission and all participating entities shall
16 hold an annual workshop open to the public in 2015 and every
17 year thereafter on the state of supplier diversity to
18 collaboratively seek solutions to structural impediments to
19 achieving stated goals, including testimony from each
20 participating entity as well as subject matter experts and
21 advocates. The Commission shall publish a database on its
22 website of the point of contact for each participating entity
23 for supplier diversity, along with a list of certifications
24 each company recognizes from the information submitted in each
25 annual report. The Commission shall publish each annual report
26 on its website and shall maintain each annual report for at

1 least 5 years.

2 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
3 revised 7-22-19.)

4 (220 ILCS 5/8-103B)

5 Sec. 8-103B. Energy efficiency and demand-response
6 measures.

7 (a) It is the policy of the State that electric utilities
8 are required to use cost-effective energy efficiency and
9 demand-response measures to reduce delivery load. Requiring
10 investment in cost-effective energy efficiency and
11 demand-response measures will reduce direct and indirect costs
12 to consumers by decreasing environmental impacts and by
13 avoiding or delaying the need for new generation,
14 transmission, and distribution infrastructure. It serves the
15 public interest to allow electric utilities to recover costs
16 for reasonably and prudently incurred expenditures for energy
17 efficiency and demand-response measures. As used in this
18 Section, "cost-effective" means that the measures satisfy the
19 total resource cost test. The low-income measures described in
20 subsection (c) of this Section shall not be required to meet
21 the total resource cost test. For purposes of this Section,
22 the terms "energy-efficiency", "demand-response", "electric
23 utility", and "total resource cost test" have the meanings set
24 forth in the Illinois Power Agency Act. "Black, indigenous,
25 and people of color" and "BIPOC" means people who are members

1 of the groups described in subparagraphs (a) through (e) of
2 paragraph (A) of subsection (1) of Section 2 of the Business
3 Enterprise for Minorities, Women, and Persons with
4 Disabilities Act.

5 (a-5) This Section applies to electric utilities serving
6 more than 500,000 retail customers in the State for those
7 multi-year plans commencing after December 31, 2017.

8 (b) For purposes of this Section, electric utilities
9 subject to this Section that serve more than 3,000,000 retail
10 customers in the State shall be deemed to have achieved a
11 cumulative persisting annual savings of 6.6% from energy
12 efficiency measures and programs implemented during the period
13 beginning January 1, 2012 and ending December 31, 2017, which
14 percent is based on the deemed average weather normalized
15 sales of electric power and energy during calendar years 2014,
16 2015, and 2016 of 88,000,000 MWhs. For the purposes of this
17 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
18 deemed electric power and energy sales shall be reduced by the
19 number of MWhs equal to the sum of the annual consumption of
20 customers that have opted out of ~~are exempt from~~ subsections
21 (a) through (j) of this Section under paragraph (1) of
22 subsection (1) of this Section, as averaged across the
23 calendar years 2014, 2015, and 2016. After 2017, the deemed
24 value of cumulative persisting annual savings from energy
25 efficiency measures and programs implemented during the period
26 beginning January 1, 2012 and ending December 31, 2017, shall

1 be reduced each year, as follows, and the applicable value
2 shall be applied to and count toward the utility's achievement
3 of the cumulative persisting annual savings goals set forth in
4 subsection (b-5):

5 (1) 5.8% deemed cumulative persisting annual savings
6 for the year ending December 31, 2018;

7 (2) 5.2% deemed cumulative persisting annual savings
8 for the year ending December 31, 2019;

9 (3) 4.5% deemed cumulative persisting annual savings
10 for the year ending December 31, 2020;

11 (4) 4.0% deemed cumulative persisting annual savings
12 for the year ending December 31, 2021;

13 (5) 3.5% deemed cumulative persisting annual savings
14 for the year ending December 31, 2022;

15 (6) 3.1% deemed cumulative persisting annual savings
16 for the year ending December 31, 2023;

17 (7) 2.8% deemed cumulative persisting annual savings
18 for the year ending December 31, 2024;

19 (8) 2.5% deemed cumulative persisting annual savings
20 for the year ending December 31, 2025;

21 (9) 2.3% deemed cumulative persisting annual savings
22 for the year ending December 31, 2026;

23 (10) 2.1% deemed cumulative persisting annual savings
24 for the year ending December 31, 2027;

25 (11) 1.8% deemed cumulative persisting annual savings
26 for the year ending December 31, 2028;

1 (12) 1.7% deemed cumulative persisting annual savings
2 for the year ending December 31, 2029; ~~and~~

3 (13) 1.5% deemed cumulative persisting annual savings
4 for the year ending December 31, 2030;~~;~~

5 (14) 1.3% deemed cumulative persisting annual savings
6 for the year ending December 31, 2031;

7 (15) 1.1% deemed cumulative persisting annual savings
8 for the year ending December 31, 2032;

9 (16) 0.9% deemed cumulative persisting annual savings
10 for the year ending December 31, 2033;

11 (17) 0.7% deemed cumulative persisting annual savings
12 for the year ending December 31, 2034;

13 (18) 0.5% deemed cumulative persisting annual savings
14 for the year ending December 31, 2035;

15 (19) 0.4% deemed cumulative persisting annual savings
16 for the year ending December 31, 2036;

17 (20) 0.3% deemed cumulative persisting annual savings
18 for the year ending December 31, 2037;

19 (21) 0.2% deemed cumulative persisting annual savings
20 for the year ending December 31, 2038;

21 (22) 0.1% deemed cumulative persisting annual savings
22 for the year ending December 31, 2039; and

23 (23) 0.0% deemed cumulative persisting annual savings
24 for the year ending December 31, 2040 and all subsequent
25 years.

26 For purposes of this Section, "cumulative persisting

1 annual savings" means the total electric energy savings in a
2 given year from measures installed in that year or in previous
3 years, but no earlier than January 1, 2012, that are still
4 operational and providing savings in that year because the
5 measures have not yet reached the end of their useful lives.

6 (b-5) Beginning in 2018, electric utilities subject to
7 this Section that serve more than 3,000,000 retail customers
8 in the State shall achieve the following cumulative persisting
9 annual savings goals, as modified by subsection (f) of this
10 Section and as compared to the deemed baseline of 88,000,000
11 MWhs of electric power and energy sales set forth in
12 subsection (b), as reduced by the number of MWhs equal to the
13 sum of the annual consumption of customers that have opted out
14 of ~~are exempt from~~ subsections (a) through (j) of this Section
15 under paragraph (1) of subsection (l) of this Section as
16 averaged across the calendar years 2014, 2015, and 2016,
17 through the implementation of energy efficiency measures
18 during the applicable year and in prior years, but no earlier
19 than January 1, 2012:

20 (1) 7.8% cumulative persisting annual savings for the
21 year ending December 31, 2018;

22 (2) 9.1% cumulative persisting annual savings for the
23 year ending December 31, 2019;

24 (3) 10.4% cumulative persisting annual savings for the
25 year ending December 31, 2020;

26 (4) 11.8% cumulative persisting annual savings for the

1 year ending December 31, 2021;

2 (5) 13.1% cumulative persisting annual savings for the
3 year ending December 31, 2022;

4 (6) 14.4% cumulative persisting annual savings for the
5 year ending December 31, 2023;

6 (7) 15.7% cumulative persisting annual savings for the
7 year ending December 31, 2024;

8 (8) 17% cumulative persisting annual savings for the
9 year ending December 31, 2025;

10 (9) 17.9% cumulative persisting annual savings for the
11 year ending December 31, 2026;

12 (10) 18.8% cumulative persisting annual savings for
13 the year ending December 31, 2027;

14 (11) 19.7% cumulative persisting annual savings for
15 the year ending December 31, 2028;

16 (12) 20.6% cumulative persisting annual savings for
17 the year ending December 31, 2029; and

18 (13) 21.5% cumulative persisting annual savings for
19 the year ending December 31, 2030.

20 No later than December 31, 2021, the Illinois Commerce
21 Commission shall establish additional cumulative persisting
22 annual savings goals for the years 2031 through 2035. No later
23 than December 31, 2024, the Illinois Commerce Commission shall
24 establish additional cumulative persisting annual savings
25 goals for the years 2036 through 2040. The Commission shall
26 also establish additional cumulative persisting annual savings

1 goals every 5 years thereafter to ensure that utilities always
2 have goals that extend at least 11 years into the future. The
3 cumulative persisting annual savings goals beyond the year
4 2030 shall increase by 0.9 percentage points per year, absent
5 a Commission decision to initiate a proceeding to consider
6 establishing goals that increase by more or less than that
7 amount. Such a proceeding must be conducted in accordance with
8 the procedures described in subsection (f) of this Section. If
9 such a proceeding is initiated, the cumulative persisting
10 annual savings goals established by the Commission through
11 that proceeding shall reflect the Commission's best estimate
12 of the maximum amount of additional savings that are forecast
13 to be cost-effectively achievable unless such best estimates
14 would result in goals that represent less than 0.5 percentage
15 point annual increases in total cumulative persisting annual
16 savings. The Commission may only establish goals that
17 represent less than 0.5 percentage point annual increases in
18 cumulative persisting annual savings if it can demonstrate,
19 based on clear and convincing evidence and through independent
20 analysis, that 0.5 percentage point increases are not
21 cost-effectively achievable. The Commission shall inform its
22 decision based on an energy efficiency potential study that
23 conforms to the requirements of this Section.

24 (b-10) For purposes of this Section, electric utilities
25 subject to this Section that serve less than 3,000,000 retail
26 customers but more than 500,000 retail customers in the State

1 shall be deemed to have achieved a cumulative persisting
2 annual savings of 6.6% from energy efficiency measures and
3 programs implemented during the period beginning January 1,
4 2012 and ending December 31, 2017, which is based on the deemed
5 average weather normalized sales of electric power and energy
6 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.
7 For the purposes of this subsection (b-10) and subsection
8 (b-15), the 36,900,000 MWhs of deemed electric power and
9 energy sales shall be reduced by the number of MWhs equal to
10 the sum of the annual consumption of customers that have opted
11 out of ~~are exempt from~~ subsections (a) through (j) of this
12 Section under paragraph (1) of subsection (1) of this Section,
13 as averaged across the calendar years 2014, 2015, and 2016.
14 After 2017, the deemed value of cumulative persisting annual
15 savings from energy efficiency measures and programs
16 implemented during the period beginning January 1, 2012 and
17 ending December 31, 2017, shall be reduced each year, as
18 follows, and the applicable value shall be applied to and
19 count toward the utility's achievement of the cumulative
20 persisting annual savings goals set forth in subsection
21 (b-15):

22 (1) 5.8% deemed cumulative persisting annual savings
23 for the year ending December 31, 2018;

24 (2) 5.2% deemed cumulative persisting annual savings
25 for the year ending December 31, 2019;

26 (3) 4.5% deemed cumulative persisting annual savings

1 for the year ending December 31, 2020;

2 (4) 4.0% deemed cumulative persisting annual savings
3 for the year ending December 31, 2021;

4 (5) 3.5% deemed cumulative persisting annual savings
5 for the year ending December 31, 2022;

6 (6) 3.1% deemed cumulative persisting annual savings
7 for the year ending December 31, 2023;

8 (7) 2.8% deemed cumulative persisting annual savings
9 for the year ending December 31, 2024;

10 (8) 2.5% deemed cumulative persisting annual savings
11 for the year ending December 31, 2025;

12 (9) 2.3% deemed cumulative persisting annual savings
13 for the year ending December 31, 2026;

14 (10) 2.1% deemed cumulative persisting annual savings
15 for the year ending December 31, 2027;

16 (11) 1.8% deemed cumulative persisting annual savings
17 for the year ending December 31, 2028;

18 (12) 1.7% deemed cumulative persisting annual savings
19 for the year ending December 31, 2029; ~~and~~

20 (13) 1.5% deemed cumulative persisting annual savings
21 for the year ending December 31, 2030;~~;~~

22 (14) 1.3% deemed cumulative persisting annual savings
23 for the year ending December 31, 2031;

24 (15) 1.1% deemed cumulative persisting annual savings
25 for the year ending December 31, 2032;

26 (16) 0.9% deemed cumulative persisting annual savings

1 for the year ending December 31, 2033;

2 (17) 0.7% deemed cumulative persisting annual savings
3 for the year ending December 31, 2034;

4 (18) 0.5% deemed cumulative persisting annual savings
5 for the year ending December 31, 2035;

6 (19) 0.4% deemed cumulative persisting annual savings
7 for the year ending December 31, 2036;

8 (20) 0.3% deemed cumulative persisting annual savings
9 for the year ending December 31, 2037;

10 (21) 0.2% deemed cumulative persisting annual savings
11 for the year ending December 31, 2038;

12 (22) 0.1% deemed cumulative persisting annual savings
13 for the year ending December 31, 2039; and

14 (23) 0.0% deemed cumulative persisting annual savings
15 for the year ending December 31, 2040 and all subsequent
16 years.

17 (b-15) Beginning in 2018, electric utilities subject to
18 this Section that serve less than 3,000,000 retail customers
19 but more than 500,000 retail customers in the State shall
20 achieve the following cumulative persisting annual savings
21 goals, as modified by subsection (b-20) and subsection (f) of
22 this Section and as compared to the deemed baseline as reduced
23 by the number of MWhs equal to the sum of the annual
24 consumption of customers that have opted out of ~~are exempt~~
25 ~~from~~ subsections (a) through (j) of this Section under
26 paragraph (1) of subsection (1) of this Section as averaged

1 across the calendar years 2014, 2015, and 2016, through the
2 implementation of energy efficiency measures during the
3 applicable year and in prior years, but no earlier than
4 January 1, 2012:

5 (1) 7.4% cumulative persisting annual savings for the
6 year ending December 31, 2018;

7 (2) 8.2% cumulative persisting annual savings for the
8 year ending December 31, 2019;

9 (3) 9.0% cumulative persisting annual savings for the
10 year ending December 31, 2020;

11 (4) 9.8% cumulative persisting annual savings for the
12 year ending December 31, 2021;

13 (5) 10.6% cumulative persisting annual savings for the
14 year ending December 31, 2022;

15 (6) 11.4% cumulative persisting annual savings for the
16 year ending December 31, 2023;

17 (7) 12.2% cumulative persisting annual savings for the
18 year ending December 31, 2024;

19 (8) 13% cumulative persisting annual savings for the
20 year ending December 31, 2025;

21 (9) 13.6% cumulative persisting annual savings for the
22 year ending December 31, 2026;

23 (10) 14.2% cumulative persisting annual savings for
24 the year ending December 31, 2027;

25 (11) 14.8% cumulative persisting annual savings for
26 the year ending December 31, 2028;

1 (12) 15.4% cumulative persisting annual savings for
2 the year ending December 31, 2029; and

3 (13) 16% cumulative persisting annual savings for the
4 year ending December 31, 2030.

5 No later than December 31, 2021, the Illinois Commerce
6 Commission shall establish additional cumulative persisting
7 annual savings goals for the years 2031 through 2035. No later
8 than December 31, 2024, the Illinois Commerce Commission shall
9 establish additional cumulative persisting annual savings
10 goals for the years 2036 through 2040. The Commission shall
11 also establish additional cumulative persisting annual savings
12 goals every 5 years thereafter to ensure that utilities always
13 have goals that extend at least 11 years into the future. The
14 cumulative persisting annual savings goals beyond the year
15 2030 shall increase by 0.6 percentage points per year, absent
16 a Commission decision to initiate a proceeding to consider
17 establishing goals that increase by more or less than that
18 amount. Such a proceeding must be conducted in accordance with
19 the procedures described in subsection (f) of this Section. If
20 such a proceeding is initiated, the cumulative persisting
21 annual savings goals established by the Commission through
22 that proceeding shall reflect the Commission's best estimate
23 of the maximum amount of additional savings that are forecast
24 to be cost-effectively achievable unless such best estimates
25 would result in goals that represent less than 0.4 percentage
26 point annual increases in total cumulative persisting annual

1 savings. The Commission may only establish goals that
2 represent less than 0.4 percentage point annual increases in
3 cumulative persisting annual savings if it can demonstrate,
4 based on clear and convincing evidence and through independent
5 analysis, that 0.4 percentage point increases are not
6 cost-effectively achievable. The Commission shall inform its
7 decision based on an energy efficiency potential study that
8 conforms to the requirements of this Section.

9 ~~The difference between the cumulative persisting annual~~
10 ~~savings goal for the applicable calendar year and the~~
11 ~~cumulative persisting annual savings goal for the immediately~~
12 ~~preceding calendar year is 0.8% for the period of January 1,~~
13 ~~2018 through December 31, 2025 and 0.6% for the period of~~
14 ~~January 1, 2026 through December 31, 2030.~~

15 (b-20) Each electric utility subject to this Section may
16 include cost-effective voltage optimization measures in its
17 plans submitted under subsections (f) and (g) of this Section,
18 and the costs incurred by a utility to implement the measures
19 under a Commission-approved plan shall be recovered under the
20 provisions of Article IX or Section 16-108.5 of this Act. For
21 purposes of this Section, the measure life of voltage
22 optimization measures shall be 15 years. The measure life
23 period is independent of the depreciation rate of the voltage
24 optimization assets deployed. Utilities may claim savings from
25 voltage optimization on circuits for more than 15 years if
26 they can demonstrate that they have made additional

1 investments necessary to enable voltage optimization savings
2 to continue beyond 15 years. Such demonstrations must be
3 subject to the review of independent evaluation.

4 Within 270 days after June 1, 2017 (the effective date of
5 Public Act 99-906), an electric utility that serves less than
6 3,000,000 retail customers but more than 500,000 retail
7 customers in the State shall file a plan with the Commission
8 that identifies the cost-effective voltage optimization
9 investment the electric utility plans to undertake through
10 December 31, 2024. The Commission, after notice and hearing,
11 shall approve or approve with modification the plan within 120
12 days after the plan's filing and, in the order approving or
13 approving with modification the plan, the Commission shall
14 adjust the applicable cumulative persisting annual savings
15 goals set forth in subsection (b-15) to reflect any amount of
16 cost-effective energy savings approved by the Commission that
17 is greater than or less than the following cumulative
18 persisting annual savings values attributable to voltage
19 optimization for the applicable year:

20 (1) 0.0% of cumulative persisting annual savings for
21 the year ending December 31, 2018;

22 (2) 0.17% of cumulative persisting annual savings for
23 the year ending December 31, 2019;

24 (3) 0.17% of cumulative persisting annual savings for
25 the year ending December 31, 2020;

26 (4) 0.33% of cumulative persisting annual savings for

1 the year ending December 31, 2021;

2 (5) 0.5% of cumulative persisting annual savings for
3 the year ending December 31, 2022;

4 (6) 0.67% of cumulative persisting annual savings for
5 the year ending December 31, 2023;

6 (7) 0.83% of cumulative persisting annual savings for
7 the year ending December 31, 2024; and

8 (8) 1.0% of cumulative persisting annual savings for
9 the year ending December 31, 2025 and all subsequent
10 years.

11 (b-25) In the event an electric utility jointly offers an
12 energy efficiency measure or program with a gas utility under
13 plans approved under this Section and Section 8-104 of this
14 Act, the electric utility may continue offering the program,
15 including the gas energy efficiency measures, in the event the
16 gas utility discontinues funding the program. In that event,
17 the energy savings value associated with such other fuels
18 shall be converted to electric energy savings on an equivalent
19 Btu basis for the premises. However, the electric utility
20 shall prioritize programs for low-income residential customers
21 to the extent practicable. An electric utility may recover the
22 costs of offering the gas energy efficiency measures under
23 this subsection (b-25).

24 For those energy efficiency measures or programs that save
25 both electricity and other fuels but are not jointly offered
26 with a gas utility under plans approved under this Section and

1 Section 8-104 or not offered with an affiliated gas utility
2 under paragraph (6) of subsection (f) of Section 8-104 of this
3 Act, the electric utility may count savings of fuels other
4 than electricity toward the achievement of its annual savings
5 goal, and the energy savings value associated with such other
6 fuels shall be converted to electric energy savings on an
7 equivalent Btu basis at the premises.

8 In no event shall more than 10% of each year's applicable
9 annual total savings requirement ~~incremental goal~~ as defined
10 in paragraph (7.5) ~~(7)~~ of subsection (g) of this Section be met
11 through savings of fuels other than electricity.

12 (b-27) Beginning in 2022, an electric utility may offer
13 and promote measures that electrify space heating, water
14 heating, cooling, drying, cooking, industrial processes, and
15 other building and industrial end uses that would otherwise be
16 served by combustion of fossil fuel at the premises, provided
17 that the electrification measures reduce total energy
18 consumption at the premises. The electric utility may count
19 the reduction in energy consumption at the premises toward
20 achievement of its annual savings goals. The reduction in
21 energy consumption at the premises shall be calculated as the
22 difference between: (A) the reduction in Btu consumption of
23 fossil fuels as a result of electrification, converted to
24 kilowatt-hour equivalents by dividing by 3,412 Btu's per
25 kilowatt hour; and (B) the increase in kilowatt hours of
26 electricity consumption resulting from the displacement of

1 fossil fuel consumption as a result of electrification. An
2 electric utility may recover the costs of offering and
3 promoting electrification measures under this subsection
4 (b-27).

5 In no event shall electrification savings counted toward
6 each year's applicable annual total savings requirement, as
7 defined in paragraph (7.5) of subsection (g) of this Section,
8 be greater than:

9 (1) 5% per year for each year from 2022 through 2025;

10 (2) 10% per year for each year from 2026 through 2029;

11 and

12 (3) 15% per year for 2030 and all subsequent years.

13 In addition, a minimum of 25% of all electrification savings
14 counted toward a utility's applicable annual total savings
15 requirement must be from electrification of end uses in
16 low-income housing. The limitations on electrification savings
17 that may be counted toward a utility's annual savings goals
18 are separate from and in addition to the subsection (b-25)
19 limitations governing the counting of the other fuel savings
20 resulting from efficiency measures and programs.

21 As part of the annual informational filing to the
22 Commission that is required under paragraph (9) of subsection
23 (g) of this Section, each utility shall identify the specific
24 electrification measures offered under this subsection (b-27);
25 the quantity of each electrification measure that was
26 installed by its customers; the average total cost, average

1 utility cost, average reduction in fossil fuel consumption,
2 and average increase in electricity consumption associated
3 with each electrification measure; the portion of
4 installations of each electrification measure that were in
5 low-income single-family housing, low-income multifamily
6 housing, non-low-income single-family housing, non-low-income
7 multifamily housing, commercial buildings, and industrial
8 facilities; and the quantity of savings associated with each
9 measure category in each customer category that are being
10 counted toward the utility's applicable annual total savings
11 requirement. Prior to installing an electrification measure,
12 the utility shall provide a customer with an estimate of the
13 impact of the new measure on the customer's average monthly
14 electric bill and total annual energy expenses.

15 (c) Electric utilities shall be responsible for overseeing
16 the design, development, and filing of energy efficiency plans
17 with the Commission and may, as part of that implementation,
18 outsource various aspects of program development and
19 implementation. A minimum of 10%, for electric utilities that
20 serve more than 3,000,000 retail customers in the State, and a
21 minimum of 7%, for electric utilities that serve less than
22 3,000,000 retail customers but more than 500,000 retail
23 customers in the State, of the utility's entire portfolio
24 funding level for a given year shall be used to procure
25 cost-effective energy efficiency measures from units of local
26 government, municipal corporations, school districts, public

1 housing, and community college districts, provided that a
2 minimum percentage of available funds shall be used to procure
3 energy efficiency from public housing, which percentage shall
4 be equal to public housing's share of public building energy
5 consumption.

6 The utilities shall also implement energy efficiency
7 measures targeted at low-income households, which, for
8 purposes of this Section, shall be defined as households at or
9 below 80% of area median income, and expenditures to implement
10 the measures shall be no less than \$40,000,000 ~~\$25,000,000~~ per
11 year for electric utilities that serve more than 3,000,000
12 retail customers in the State and no less than \$13,000,000
13 ~~\$8,350,000~~ per year for electric utilities that serve less
14 than 3,000,000 retail customers but more than 500,000 retail
15 customers in the State. The ratio of spending on efficiency
16 programs targeted at low-income multifamily buildings to
17 spending on efficiency programs targeted at low-income
18 single-family buildings shall be designed to achieve levels of
19 savings from each building type that are approximately
20 proportional to the magnitude of cost-effective lifetime
21 savings potential in each building type. Investment in
22 low-income whole-building weatherization programs shall
23 constitute a minimum of 80% of a utility's total budget
24 specifically dedicated to serving low-income customers.

25 The utilities shall work to bundle low-income energy
26 efficiency offerings with other programs that serve low-income

1 households to maximize the benefits going to these households.
2 The utilities shall market and implement low-income energy
3 efficiency programs in coordination with low-income assistance
4 programs, the Illinois Solar for All Program, and
5 weatherization whenever practicable. The program implementer
6 shall walk the customer through the enrollment process for any
7 programs for which the customer is eligible. The utilities
8 shall also pilot targeting customers with high arrearages,
9 high energy intensity (ratio of energy usage divided by home
10 or unit square footage), or energy assistance programs with
11 energy efficiency offerings, and then track reduction in
12 arrearages as a result of the targeting. This targeting and
13 bundling of low-income energy programs shall be offered to
14 both low-income single-family and multifamily customers
15 (owners and residents).

16 The utilities shall invest in health and safety measures
17 appropriate and necessary for comprehensively weatherizing a
18 home or multifamily building, and shall implement a health and
19 safety fund of at least 15% of the total income-qualified
20 weatherization budget that shall be used for the purpose of
21 making grants for technical assistance, construction,
22 reconstruction, improvement, or repair of buildings to
23 facilitate their participation in the energy efficiency
24 programs targeted at low-income single-family and multifamily
25 households. These funds may also be used for the purpose of
26 making grants for technical assistance, construction,

1 reconstruction, improvement, or repair of the following
2 buildings to facilitate their participation in the energy
3 efficiency programs created by this Section: (1) buildings
4 that are owned or operated by registered 501(c)(3) public
5 charities; and (2) day care centers, day care homes, or group
6 day care homes, as defined under 89 Ill. Adm. Code Part 406,
7 407, or 408, respectively.

8 Each electric utility shall assess opportunities to
9 implement cost-effective energy efficiency measures and
10 programs through a public housing authority or authorities
11 located in its service territory. If such opportunities are
12 identified, the utility shall propose such measures and
13 programs to address the opportunities. Expenditures to address
14 such opportunities shall be credited toward the minimum
15 procurement and expenditure requirements set forth in this
16 subsection (c).

17 Implementation of energy efficiency measures and programs
18 targeted at low-income households should be contracted, when
19 it is practicable, to independent third parties that have
20 demonstrated capabilities to serve such households, with a
21 preference for not-for-profit entities and government agencies
22 that have existing relationships with or experience serving
23 low-income communities in the State.

24 Each electric utility shall develop and implement
25 reporting procedures that address and assist in determining
26 the amount of energy savings that can be applied to the

1 low-income procurement and expenditure requirements set forth
2 in this subsection (c). Each electric utility shall also track
3 the types and quantities or volumes of insulation and air
4 sealing materials, and their associated energy saving
5 benefits, installed in energy efficiency programs targeted at
6 low-income single-family and multifamily households.

7 The electric utilities shall participate in ~~also convene~~ a
8 low-income energy efficiency accountability advisory committee
9 ("the committee"), which will directly inform ~~to assist in~~ the
10 design, implementation, and evaluation of the low-income and
11 public-housing energy efficiency programs. The committee shall
12 be comprised of the electric utilities subject to the
13 requirements of this Section, the gas utilities subject to the
14 requirements of Section 8-104 of this Act, the utilities'
15 low-income energy efficiency implementation contractors,
16 nonprofit organizations, community action agencies, advocacy
17 groups, State and local governmental agencies, public-housing
18 organizations, and representatives of community-based
19 organizations, especially those living in or working with
20 environmental justice communities and BIPOC communities. The
21 committee shall be composed of 2 geographically differentiated
22 subcommittees: one for stakeholders in northern Illinois and
23 one for stakeholders in central and southern Illinois. The
24 subcommittees shall meet together at least twice per year.

25 There shall be one statewide leadership committee led by
26 and composed of community-based organizations that are

1 representative of BIPOC and environmental justice communities
2 and that includes equitable representation from BIPOC
3 communities. The leadership committee shall be composed of an
4 equal number of representatives from the 2 subcommittees. The
5 subcommittees shall address specific programs and issues, with
6 the leadership committee convening targeted workgroups as
7 needed. The leadership committee may elect to work with an
8 independent facilitator to solicit and organize feedback,
9 recommendations and meeting participation from a wide variety
10 of community-based stakeholders. If a facilitator is used,
11 they shall be fair and responsive to the needs of all
12 stakeholders involved in the committee.

13 All committee meetings must be accessible, with rotating
14 locations if meetings are held in-person, virtual
15 participation options, and materials and agendas circulated in
16 advance.

17 There shall also be opportunities for direct input by
18 committee members outside of committee meetings, such as via
19 individual meetings, surveys, emails and calls, to ensure
20 robust participation by stakeholders with limited capacity and
21 ability to attend committee meetings. Committee meetings shall
22 emphasize opportunities to bundle and coordinate delivery of
23 low-income energy efficiency with other programs that serve
24 low-income communities, such as the Illinois Solar for All
25 Program and bill payment assistance programs. Meetings shall
26 include educational opportunities for stakeholders to learn

1 more about these additional offerings, and the committee shall
2 assist in figuring out the best methods for coordinated
3 delivery and implementation of offerings when serving
4 low-income communities. The committee shall directly and
5 equitably influence and inform utility low-income and
6 public-housing energy efficiency programs and priorities.
7 Participating utilities shall implement recommendations from
8 the committee whenever possible.

9 Participating utilities shall track and report how input
10 from the committee has led to new approaches and changes in
11 their energy efficiency portfolios. This reporting shall occur
12 at committee meetings and in quarterly energy efficiency
13 reports to the Stakeholder Advisory Group and Illinois
14 Commerce Commission, and other relevant reporting mechanisms.
15 Participating utilities shall also report on relevant equity
16 data and metrics requested by the committee, such as energy
17 burden data, geographic, racial, and other relevant
18 demographic data on where programs are being delivered and
19 what populations programs are serving.

20 The Illinois Commerce Commission shall oversee and have
21 relevant staff participate in the committee. The committee
22 shall have a budget of 0.25% of each utility's entire
23 efficiency portfolio funding for a given year. The budget
24 shall be overseen by the Commission. The budget shall be used
25 to provide grants for community-based organizations serving on
26 the leadership committee, stipends for community-based

1 organizations participating in the committee, grants for
2 community-based organizations to do energy efficiency outreach
3 and education, and relevant meeting needs as determined by the
4 leadership committee. The education and outreach shall
5 include, but is not limited to, basic energy efficiency
6 education, information about low-income energy efficiency
7 programs, and information on the committee's purpose,
8 structure, and activities.

9 (d) Notwithstanding any other provision of law to the
10 contrary, a utility providing approved energy efficiency
11 measures and, if applicable, demand-response measures in the
12 State shall be permitted to recover all reasonable and
13 prudently incurred costs of those measures from all retail
14 customers, except as provided in subsection (1) of this
15 Section, as follows, provided that nothing in this subsection

16 (d) permits the double recovery of such costs from customers:

17 (1) The utility may recover its costs through an
18 automatic adjustment clause tariff filed with and approved
19 by the Commission. The tariff shall be established outside
20 the context of a general rate case. Each year the
21 Commission shall initiate a review to reconcile any
22 amounts collected with the actual costs and to determine
23 the required adjustment to the annual tariff factor to
24 match annual expenditures. To enable the financing of the
25 incremental capital expenditures, including regulatory
26 assets, for electric utilities that serve less than

1 3,000,000 retail customers but more than 500,000 retail
2 customers in the State, the utility's actual year-end
3 capital structure that includes a common equity ratio,
4 excluding goodwill, of up to and including 50% of the
5 total capital structure shall be deemed reasonable and
6 used to set rates.

7 (2) A utility may recover its costs through an energy
8 efficiency formula rate approved by the Commission under a
9 filing under subsections (f) and (g) of this Section,
10 which shall specify the cost components that form the
11 basis of the rate charged to customers with sufficient
12 specificity to operate in a standardized manner and be
13 updated annually with transparent information that
14 reflects the utility's actual costs to be recovered during
15 the applicable rate year, which is the period beginning
16 with the first billing day of January and extending
17 through the last billing day of the following December.
18 The energy efficiency formula rate shall be implemented
19 through a tariff filed with the Commission under
20 subsections (f) and (g) of this Section that is consistent
21 with the provisions of this paragraph (2) and that shall
22 be applicable to all delivery services customers. The
23 Commission shall conduct an investigation of the tariff in
24 a manner consistent with the provisions of this paragraph
25 (2), subsections (f) and (g) of this Section, and the
26 provisions of Article IX of this Act to the extent they do

1 not conflict with this paragraph (2). The energy
2 efficiency formula rate approved by the Commission shall
3 remain in effect at the discretion of the utility and
4 shall do the following:

5 (A) Provide for the recovery of the utility's
6 actual costs incurred under this Section that are
7 prudently incurred and reasonable in amount consistent
8 with Commission practice and law. The sole fact that a
9 cost differs from that incurred in a prior calendar
10 year or that an investment is different from that made
11 in a prior calendar year shall not imply the
12 imprudence or unreasonableness of that cost or
13 investment.

14 (B) Reflect the utility's actual year-end capital
15 structure for the applicable calendar year, excluding
16 goodwill, subject to a determination of prudence and
17 reasonableness consistent with Commission practice and
18 law. To enable the financing of the incremental
19 capital expenditures, including regulatory assets, for
20 electric utilities that serve less than 3,000,000
21 retail customers but more than 500,000 retail
22 customers in the State, a participating electric
23 utility's actual year-end capital structure that
24 includes a common equity ratio, excluding goodwill, of
25 up to and including 50% of the total capital structure
26 shall be deemed reasonable and used to set rates.

1 (C) Include a cost of equity, which shall be
2 calculated as the sum of the following:

3 (i) the average for the applicable calendar
4 year of the monthly average yields of 30-year U.S.
5 Treasury bonds published by the Board of Governors
6 of the Federal Reserve System in its weekly H.15
7 Statistical Release or successor publication; and

8 (ii) 580 basis points.

9 At such time as the Board of Governors of the
10 Federal Reserve System ceases to include the monthly
11 average yields of 30-year U.S. Treasury bonds in its
12 weekly H.15 Statistical Release or successor
13 publication, the monthly average yields of the U.S.
14 Treasury bonds then having the longest duration
15 published by the Board of Governors in its weekly H.15
16 Statistical Release or successor publication shall
17 instead be used for purposes of this paragraph (2).

18 (D) Permit and set forth protocols, subject to a
19 determination of prudence and reasonableness
20 consistent with Commission practice and law, for the
21 following:

22 (i) recovery of incentive compensation expense
23 that is based on the achievement of operational
24 metrics, including metrics related to budget
25 controls, outage duration and frequency, safety,
26 customer service, efficiency and productivity, and

1 environmental compliance; however, this protocol
2 shall not apply if such expense related to costs
3 incurred under this Section is recovered under
4 Article IX or Section 16-108.5 of this Act;
5 incentive compensation expense that is based on
6 net income or an affiliate's earnings per share
7 shall not be recoverable under the energy
8 efficiency formula rate;

9 (ii) recovery of pension and other
10 post-employment benefits expense, provided that
11 such costs are supported by an actuarial study;
12 however, this protocol shall not apply if such
13 expense related to costs incurred under this
14 Section is recovered under Article IX or Section
15 16-108.5 of this Act;

16 (iii) recovery of existing regulatory assets
17 over the periods previously authorized by the
18 Commission;

19 (iv) as described in subsection (e),
20 amortization of costs incurred under this Section;
21 and

22 (v) projected, weather normalized billing
23 determinants for the applicable rate year.

24 (E) Provide for an annual reconciliation, as
25 described in paragraph (3) of this subsection (d),
26 less any deferred taxes related to the reconciliation,

1 with interest at an annual rate of return equal to the
2 utility's weighted average cost of capital, including
3 a revenue conversion factor calculated to recover or
4 refund all additional income taxes that may be payable
5 or receivable as a result of that return, of the energy
6 efficiency revenue requirement reflected in rates for
7 each calendar year, beginning with the calendar year
8 in which the utility files its energy efficiency
9 formula rate tariff under this paragraph (2), with
10 what the revenue requirement would have been had the
11 actual cost information for the applicable calendar
12 year been available at the filing date.

13 The utility shall file, together with its tariff, the
14 projected costs to be incurred by the utility during the
15 rate year under the utility's multi-year plan approved
16 under subsections (f) and (g) of this Section, including,
17 but not limited to, the projected capital investment costs
18 and projected regulatory asset balances with
19 correspondingly updated depreciation and amortization
20 reserves and expense, that shall populate the energy
21 efficiency formula rate and set the initial rates under
22 the formula.

23 The Commission shall review the proposed tariff in
24 conjunction with its review of a proposed multi-year plan,
25 as specified in paragraph (5) of subsection (g) of this
26 Section. The review shall be based on the same evidentiary

1 standards, including, but not limited to, those concerning
2 the prudence and reasonableness of the costs incurred by
3 the utility, the Commission applies in a hearing to review
4 a filing for a general increase in rates under Article IX
5 of this Act. The initial rates shall take effect beginning
6 with the January monthly billing period following the
7 Commission's approval.

8 The tariff's rate design and cost allocation across
9 customer classes shall be consistent with the utility's
10 automatic adjustment clause tariff in effect on June 1,
11 2017 (the effective date of Public Act 99-906); however,
12 the Commission may revise the tariff's rate design and
13 cost allocation in subsequent proceedings under paragraph
14 (3) of this subsection (d).

15 If the energy efficiency formula rate is terminated,
16 the then current rates shall remain in effect until such
17 time as the energy efficiency costs are incorporated into
18 new rates that are set under this subsection (d) or
19 Article IX of this Act, subject to retroactive rate
20 adjustment, with interest, to reconcile rates charged with
21 actual costs.

22 (3) The provisions of this paragraph (3) shall only
23 apply to an electric utility that has elected to file an
24 energy efficiency formula rate under paragraph (2) of this
25 subsection (d). Subsequent to the Commission's issuance of
26 an order approving the utility's energy efficiency formula

1 rate structure and protocols, and initial rates under
2 paragraph (2) of this subsection (d), the utility shall
3 file, on or before June 1 of each year, with the Chief
4 Clerk of the Commission its updated cost inputs to the
5 energy efficiency formula rate for the applicable rate
6 year and the corresponding new charges, as well as the
7 information described in paragraph (9) of subsection (g)
8 of this Section. Each such filing shall conform to the
9 following requirements and include the following
10 information:

11 (A) The inputs to the energy efficiency formula
12 rate for the applicable rate year shall be based on the
13 projected costs to be incurred by the utility during
14 the rate year under the utility's multi-year plan
15 approved under subsections (f) and (g) of this
16 Section, including, but not limited to, projected
17 capital investment costs and projected regulatory
18 asset balances with correspondingly updated
19 depreciation and amortization reserves and expense.
20 The filing shall also include a reconciliation of the
21 energy efficiency revenue requirement that was in
22 effect for the prior rate year (as set by the cost
23 inputs for the prior rate year) with the actual
24 revenue requirement for the prior rate year
25 (determined using a year-end rate base) that uses
26 amounts reflected in the applicable FERC Form 1 that

1 reports the actual costs for the prior rate year. Any
2 over-collection or under-collection indicated by such
3 reconciliation shall be reflected as a credit against,
4 or recovered as an additional charge to, respectively,
5 with interest calculated at a rate equal to the
6 utility's weighted average cost of capital approved by
7 the Commission for the prior rate year, the charges
8 for the applicable rate year. Such over-collection or
9 under-collection shall be adjusted to remove any
10 deferred taxes related to the reconciliation, for
11 purposes of calculating interest at an annual rate of
12 return equal to the utility's weighted average cost of
13 capital approved by the Commission for the prior rate
14 year, including a revenue conversion factor calculated
15 to recover or refund all additional income taxes that
16 may be payable or receivable as a result of that
17 return. Each reconciliation shall be certified by the
18 participating utility in the same manner that FERC
19 Form 1 is certified. The filing shall also include the
20 charge or credit, if any, resulting from the
21 calculation required by subparagraph (E) of paragraph
22 (2) of this subsection (d).

23 Notwithstanding any other provision of law to the
24 contrary, the intent of the reconciliation is to
25 ultimately reconcile both the revenue requirement
26 reflected in rates for each calendar year, beginning

1 with the calendar year in which the utility files its
2 energy efficiency formula rate tariff under paragraph
3 (2) of this subsection (d), with what the revenue
4 requirement determined using a year-end rate base for
5 the applicable calendar year would have been had the
6 actual cost information for the applicable calendar
7 year been available at the filing date.

8 For purposes of this Section, "FERC Form 1" means
9 the Annual Report of Major Electric Utilities,
10 Licensees and Others that electric utilities are
11 required to file with the Federal Energy Regulatory
12 Commission under the Federal Power Act, Sections 3,
13 4(a), 304 and 209, modified as necessary to be
14 consistent with 83 Ill. Admin. Code Part 415 as of May
15 1, 2011. Nothing in this Section is intended to allow
16 costs that are not otherwise recoverable to be
17 recoverable by virtue of inclusion in FERC Form 1.

18 (B) The new charges shall take effect beginning on
19 the first billing day of the following January billing
20 period and remain in effect through the last billing
21 day of the next December billing period regardless of
22 whether the Commission enters upon a hearing under
23 this paragraph (3).

24 (C) The filing shall include relevant and
25 necessary data and documentation for the applicable
26 rate year. Normalization adjustments shall not be

1 required.

2 Within 45 days after the utility files its annual
3 update of cost inputs to the energy efficiency formula
4 rate, the Commission shall with reasonable notice,
5 initiate a proceeding concerning whether the projected
6 costs to be incurred by the utility and recovered during
7 the applicable rate year, and that are reflected in the
8 inputs to the energy efficiency formula rate, are
9 consistent with the utility's approved multi-year plan
10 under subsections (f) and (g) of this Section and whether
11 the costs incurred by the utility during the prior rate
12 year were prudent and reasonable. The Commission shall
13 also have the authority to investigate the information and
14 data described in paragraph (9) of subsection (g) of this
15 Section, including the proposed adjustment to the
16 utility's return on equity component of its weighted
17 average cost of capital. During the course of the
18 proceeding, each objection shall be stated with
19 particularity and evidence provided in support thereof,
20 after which the utility shall have the opportunity to
21 rebut the evidence. Discovery shall be allowed consistent
22 with the Commission's Rules of Practice, which Rules of
23 Practice shall be enforced by the Commission or the
24 assigned administrative law judge. The Commission shall
25 apply the same evidentiary standards, including, but not
26 limited to, those concerning the prudence and

1 reasonableness of the costs incurred by the utility,
2 during the proceeding as it would apply in a proceeding to
3 review a filing for a general increase in rates under
4 Article IX of this Act. The Commission shall not, however,
5 have the authority in a proceeding under this paragraph
6 (3) to consider or order any changes to the structure or
7 protocols of the energy efficiency formula rate approved
8 under paragraph (2) of this subsection (d). In a
9 proceeding under this paragraph (3), the Commission shall
10 enter its order no later than the earlier of 195 days after
11 the utility's filing of its annual update of cost inputs
12 to the energy efficiency formula rate or December 15. The
13 utility's proposed return on equity calculation, as
14 described in paragraphs (7) through (9) of subsection (g)
15 of this Section, shall be deemed the final, approved
16 calculation on December 15 of the year in which it is filed
17 unless the Commission enters an order on or before
18 December 15, after notice and hearing, that modifies such
19 calculation consistent with this Section. The Commission's
20 determinations of the prudence and reasonableness of the
21 costs incurred, and determination of such return on equity
22 calculation, for the applicable calendar year shall be
23 final upon entry of the Commission's order and shall not
24 be subject to reopening, reexamination, or collateral
25 attack in any other Commission proceeding, case, docket,
26 order, rule, or regulation; however, nothing in this

1 paragraph (3) shall prohibit a party from petitioning the
2 Commission to rehear or appeal to the courts the order
3 under the provisions of this Act.

4 (e) Beginning on June 1, 2017 (the effective date of
5 Public Act 99-906), a utility subject to the requirements of
6 this Section may elect to defer, as a regulatory asset, up to
7 the full amount of its expenditures incurred under this
8 Section for each annual period, including, but not limited to,
9 any expenditures incurred above the funding level set by
10 subsection (f) of this Section for a given year. The total
11 expenditures deferred as a regulatory asset in a given year
12 shall be amortized and recovered over a period that is equal to
13 the weighted average of the energy efficiency measure lives
14 implemented for that year that are reflected in the regulatory
15 asset. The unamortized balance shall be recognized as of
16 December 31 for a given year. The utility shall also earn a
17 return on the total of the unamortized balances of all of the
18 energy efficiency regulatory assets, less any deferred taxes
19 related to those unamortized balances, at an annual rate equal
20 to the utility's weighted average cost of capital that
21 includes, based on a year-end capital structure, the utility's
22 actual cost of debt for the applicable calendar year and a cost
23 of equity, which shall be calculated as the sum of the (i) the
24 average for the applicable calendar year of the monthly
25 average yields of 30-year U.S. Treasury bonds published by the
26 Board of Governors of the Federal Reserve System in its weekly

1 H.15 Statistical Release or successor publication; and (ii)
2 580 basis points, including a revenue conversion factor
3 calculated to recover or refund all additional income taxes
4 that may be payable or receivable as a result of that return.
5 Capital investment costs shall be depreciated and recovered
6 over their useful lives consistent with generally accepted
7 accounting principles. The weighted average cost of capital
8 shall be applied to the capital investment cost balance, less
9 any accumulated depreciation and accumulated deferred income
10 taxes, as of December 31 for a given year.

11 When an electric utility creates a regulatory asset under
12 the provisions of this Section, the costs are recovered over a
13 period during which customers also receive a benefit which is
14 in the public interest. Accordingly, it is the intent of the
15 General Assembly that an electric utility that elects to
16 create a regulatory asset under the provisions of this Section
17 shall recover all of the associated costs as set forth in this
18 Section. After the Commission has approved the prudence and
19 reasonableness of the costs that comprise the regulatory
20 asset, the electric utility shall be permitted to recover all
21 such costs, and the value and recoverability through rates of
22 the associated regulatory asset shall not be limited, altered,
23 impaired, or reduced.

24 (f) Beginning in 2017, each electric utility shall file an
25 energy efficiency plan with the Commission to meet the energy
26 efficiency standards for the next applicable multi-year period

1 beginning January 1 of the year following the filing,
2 according to the schedule set forth in paragraphs (1) through
3 (3) of this subsection (f). If a utility does not file such a
4 plan on or before the applicable filing deadline for the plan,
5 it shall face a penalty of \$100,000 per day until the plan is
6 filed.

7 (1) No later than 30 days after June 1, 2017 (the
8 effective date of Public Act 99-906), each electric
9 utility shall file a 4-year energy efficiency plan
10 commencing on January 1, 2018 that is designed to achieve
11 the cumulative persisting annual savings goals specified
12 in paragraphs (1) through (4) of subsection (b-5) of this
13 Section or in paragraphs (1) through (4) of subsection
14 (b-15) of this Section, as applicable, through
15 implementation of energy efficiency measures; however, the
16 goals may be reduced if the utility's expenditures are
17 limited pursuant to subsection (m) of this Section or, for
18 a utility that serves less than 3,000,000 retail
19 customers, if each of the following conditions are met:
20 (A) the plan's analysis and forecasts of the utility's
21 ability to acquire energy savings demonstrate that
22 achievement of such goals is not cost effective; and (B)
23 the amount of energy savings achieved by the utility as
24 determined by the independent evaluator for the most
25 recent year for which savings have been evaluated
26 preceding the plan filing was less than the average annual

1 amount of savings required to achieve the goals for the
2 applicable 4-year plan period. Except as provided in
3 subsection (m) of this Section, annual increases in
4 cumulative persisting annual savings goals during the
5 applicable 4-year plan period shall not be reduced to
6 amounts that are less than the maximum amount of
7 cumulative persisting annual savings that is forecast to
8 be cost-effectively achievable during the 4-year plan
9 period. The Commission shall review any proposed goal
10 reduction as part of its review and approval of the
11 utility's proposed plan.

12 (2) No later than March 1, 2021, each electric utility
13 shall file a 4-year energy efficiency plan commencing on
14 January 1, 2022 that is designed to achieve the cumulative
15 persisting annual savings goals specified in paragraphs
16 (5) through (8) of subsection (b-5) of this Section or in
17 paragraphs (5) through (8) of subsection (b-15) of this
18 Section, as applicable, through implementation of energy
19 efficiency measures; however, the goals may be reduced if
20 either (1) clear and convincing evidence demonstrates,
21 through independent analysis, that the expenditure limits
22 in subsection (m) of this Section preclude full
23 achievement of the goals or (2) ~~the utility's expenditures~~
24 ~~are limited pursuant to subsection (m) of this Section or,~~
25 each of the following conditions are met: (A) the plan's
26 analysis and forecasts of the utility's ability to acquire

1 energy savings demonstrate by clear and convincing
2 evidence and through independent analysis that achievement
3 of such goals is not cost effective; and (B) the amount of
4 energy savings achieved by the utility as determined by
5 the independent evaluator for the most recent year for
6 which savings have been evaluated preceding the plan
7 filing was less than the average annual amount of savings
8 required to achieve the goals for the applicable 4-year
9 plan period. If there is not clear and convincing evidence
10 that achieving the savings goals specified in paragraph
11 (b-5) or (b-15) of this Section is possible both
12 cost-effectively and within the expenditure limits in
13 subsection (m), such savings goals shall not be reduced.
14 Except as provided in subsection (m) of this Section,
15 annual increases in cumulative persisting annual savings
16 goals during the applicable 4-year plan period shall not
17 be reduced to amounts that are less than the maximum
18 amount of cumulative persisting annual savings that is
19 forecast to be cost-effectively achievable during the
20 4-year plan period. The Commission shall review any
21 proposed goal reduction as part of its review and approval
22 of the utility's proposed plan.

23 (3) No later than March 1, 2025, each electric utility
24 shall file a 4-year ~~5-year~~ energy efficiency plan
25 commencing on January 1, 2026 that is designed to achieve
26 the cumulative persisting annual savings goals specified

1 in paragraphs (9) through (12) ~~(13)~~ of subsection (b-5) of
2 this Section or in paragraphs (9) through (12) ~~(13)~~ of
3 subsection (b-15) of this Section, as applicable, through
4 implementation of energy efficiency measures; however, the
5 goals may be reduced if either (1) clear and convincing
6 evidence demonstrates, through independent analysis, that
7 the expenditure limits in subsection (m) of this Section
8 preclude full achievement of the goals or (2) the
9 ~~utility's expenditures are limited pursuant to subsection~~
10 ~~(m) of this Section or,~~ each of the following conditions
11 are met: (A) the plan's analysis and forecasts of the
12 utility's ability to acquire energy savings demonstrate by
13 clear and convincing evidence and through independent
14 analysis that achievement of such goals is not cost
15 effective; and (B) the amount of energy savings achieved
16 by the utility as determined by the independent evaluator
17 for the most recent year for which savings have been
18 evaluated preceding the plan filing was less than the
19 average annual amount of savings required to achieve the
20 goals for the applicable 4-year ~~5-year~~ plan period. If
21 there is not clear and convincing evidence that achieving
22 the savings goals specified in paragraphs (b-5) or (b-15)
23 of this Section is possible both cost-effectively and
24 within the expenditure limits in subsection (m), such
25 savings goals shall not be reduced. Except as provided in
26 subsection (m) of this Section, annual increases in

1 cumulative persisting annual savings goals during the
2 applicable 4-year ~~5-year~~ plan period shall not be reduced
3 to amounts that are less than the maximum amount of
4 cumulative persisting annual savings that is forecast to
5 be cost-effectively achievable during the 4-year ~~5-year~~
6 plan period. The Commission shall review any proposed goal
7 reduction as part of its review and approval of the
8 utility's proposed plan.

9 (4) No later than March 1, 2029, and every 4 years
10 thereafter, each electric utility shall file a 4-year
11 energy efficiency plan commencing on January 1, 2030, and
12 every 4 years thereafter, respectively, that is designed
13 to achieve the cumulative persisting annual savings goals
14 established by the Illinois Commerce Commission pursuant
15 to direction of subsections (b-5) and (b-15) of this
16 Section, as applicable, through implementation of energy
17 efficiency measures; however, the goals may be reduced if
18 either (1) clear and convincing evidence and independent
19 analysis demonstrates that the expenditure limits in
20 subsection (m) of this Section preclude full achievement
21 of the goals or (2) each of the following conditions are
22 met: (A) the plan's analysis and forecasts of the
23 utility's ability to acquire energy savings demonstrate by
24 clear and convincing evidence and through independent
25 analysis that achievement of such goals is not
26 cost-effective; and (B) the amount of energy savings

1 achieved by the utility as determined by the independent
2 evaluator for the most recent year for which savings have
3 been evaluated preceding the plan filing was less than the
4 average annual amount of savings required to achieve the
5 goals for the applicable 4-year plan period. If there is
6 not clear and convincing evidence that achieving the
7 savings goals specified in paragraphs (b-5) or (b-15) of
8 this Section is possible both cost-effectively and within
9 the expenditure limits in subsection (m), such savings
10 goals shall not be reduced. Except as provided in
11 subsection (m) of this Section, annual increases in
12 cumulative persisting annual savings goals during the
13 applicable 4-year plan period shall not be reduced to
14 amounts that are less than the maximum amount of
15 cumulative persisting annual savings that is forecast to
16 be cost-effectively achievable during the 4-year plan
17 period. The Commission shall review any proposed goal
18 reduction as part of its review and approval of the
19 utility's proposed plan.

20 Each utility's plan shall set forth the utility's
21 proposals to meet the energy efficiency standards identified
22 in subsection (b-5) or (b-15), as applicable and as such
23 standards may have been modified under this subsection (f),
24 taking into account the unique circumstances of the utility's
25 service territory. For those plans commencing on January 1,
26 2018, the Commission shall seek public comment on the

1 utility's plan and shall issue an order approving or
2 disapproving each plan no later than 105 days after June 1,
3 2017 (the effective date of Public Act 99-906). For those
4 plans commencing after December 31, 2021, the Commission shall
5 seek public comment on the utility's plan and shall issue an
6 order approving or disapproving each plan within 6 months
7 after its submission. If the Commission disapproves a plan,
8 the Commission shall, within 30 days, describe in detail the
9 reasons for the disapproval and describe a path by which the
10 utility may file a revised draft of the plan to address the
11 Commission's concerns satisfactorily. If the utility does not
12 refile with the Commission within 60 days, the utility shall
13 be subject to penalties at a rate of \$100,000 per day until the
14 plan is filed. This process shall continue, and penalties
15 shall accrue, until the utility has successfully filed a
16 portfolio of energy efficiency and demand-response measures.
17 Penalties shall be deposited into the Energy Efficiency Trust
18 Fund.

19 (g) In submitting proposed plans and funding levels under
20 subsection (f) of this Section to meet the savings goals
21 identified in subsection (b-5) or (b-15) of this Section, as
22 applicable, the utility shall:

23 (1) Demonstrate that its proposed energy efficiency
24 measures will achieve the applicable requirements that are
25 identified in subsection (b-5) or (b-15) of this Section,
26 as modified by subsection (f) of this Section.

1 (2) (Blank). ~~Present specific proposals to implement~~
2 ~~new building and appliance standards that have been placed~~
3 ~~into effect.~~

4 (2.5) Demonstrate consideration of program options for
5 (A) advancing new building codes, appliance standards, and
6 municipal regulations governing existing and new building
7 efficiency improvements and (B) supporting efforts to
8 improve compliance with new building codes, appliance
9 standards and municipal regulations, as potentially
10 cost-effective means of acquiring energy savings to count
11 toward savings goals.

12 (3) Demonstrate that its overall portfolio of
13 measures, not including low-income programs described in
14 subsection (c) of this Section, is cost-effective using
15 the total resource cost test or complies with paragraphs
16 (1) through (3) of subsection (f) of this Section and
17 represents a diverse cross-section of opportunities for
18 customers of all rate classes, other than those customers
19 described in subsection (1) of this Section, to
20 participate in the programs. Individual measures need not
21 be cost effective.

22 (3.5) Demonstrate that the utility's plan integrates
23 the delivery of energy efficiency programs with natural
24 gas efficiency programs, programs promoting distributed
25 solar, programs promoting demand response and other
26 efforts to address bill payment issues, including, but not

1 limited to, LIHEAP and the Percentage of Income Payment
2 Plan, to the extent such integration is practical and has
3 the potential to enhance customer engagement, minimize
4 market confusion, or reduce administrative costs.

5 (4) Present a third-party energy efficiency
6 implementation program subject to the following
7 requirements:

8 (A) beginning with the year commencing January 1,
9 2019, electric utilities that serve more than
10 3,000,000 retail customers in the State shall fund
11 third-party energy efficiency programs in an amount
12 that is no less than \$25,000,000 per year, and
13 electric utilities that serve less than 3,000,000
14 retail customers but more than 500,000 retail
15 customers in the State shall fund third-party energy
16 efficiency programs in an amount that is no less than
17 \$8,350,000 per year;

18 (B) during 2018, the utility shall conduct a
19 solicitation process for purposes of requesting
20 proposals from third-party vendors for those
21 third-party energy efficiency programs to be offered
22 during one or more of the years commencing January 1,
23 2019, January 1, 2020, and January 1, 2021; for those
24 multi-year plans commencing on January 1, 2022 and
25 January 1, 2026, the utility shall conduct a
26 solicitation process during 2021 and 2025,

1 respectively, for purposes of requesting proposals
2 from third-party vendors for those third-party energy
3 efficiency programs to be offered during one or more
4 years of the respective multi-year plan period; for
5 each solicitation process, the utility shall identify
6 the sector, technology, or geographical area for which
7 it is seeking requests for proposals; the solicitation
8 process must be either for programs that fill gaps in
9 the utility's program portfolio and for programs that
10 target low-income customers, business sectors,
11 building types, geographies, or other specific parts
12 of its customer base with initiatives that would be
13 more effective at reaching these customer segments
14 than the utilities' programs filed in its energy
15 efficiency plans;

16 (C) the utility shall propose the bidder
17 qualifications, performance measurement process, and
18 contract structure, which must include a performance
19 payment mechanism and general terms and conditions;
20 the proposed qualifications, process, and structure
21 shall be subject to Commission approval; and

22 (D) the utility shall retain an independent third
23 party to score the proposals received through the
24 solicitation process described in this paragraph (4),
25 rank them according to their cost per lifetime
26 kilowatt-hours saved, and assemble the portfolio of

1 third-party programs.

2 The electric utility shall recover all costs
3 associated with Commission-approved, third-party
4 administered programs regardless of the success of those
5 programs.

6 (4.5) Implement cost-effective demand-response
7 measures to reduce peak demand by 0.1% over the prior year
8 for eligible retail customers, as defined in Section
9 16-111.5 of this Act, and for customers that elect hourly
10 service from the utility pursuant to Section 16-107 of
11 this Act, provided those customers have not been declared
12 competitive. This requirement continues until December 31,
13 2026.

14 (5) Include a proposed or revised cost-recovery tariff
15 mechanism, as provided for under subsection (d) of this
16 Section, to fund the proposed energy efficiency and
17 demand-response measures and to ensure the recovery of the
18 prudently and reasonably incurred costs of
19 Commission-approved programs.

20 (6) Provide for an annual independent evaluation of
21 the performance of the cost-effectiveness of the utility's
22 portfolio of measures, as well as a full review of the
23 multi-year plan results of the broader net program impacts
24 and, to the extent practical, for adjustment of the
25 measures on a going-forward basis as a result of the
26 evaluations. The resources dedicated to evaluation shall

1 not exceed 3% of portfolio resources in any given year.

2 (7) For electric utilities that serve more than
3 3,000,000 retail customers in the State:

4 (A) Through December 31, 2025, provide for an
5 adjustment to the return on equity component of the
6 utility's weighted average cost of capital calculated
7 under subsection (d) of this Section:

8 (i) If the independent evaluator determines
9 that the utility achieved a cumulative persisting
10 annual savings that is less than the applicable
11 annual incremental goal, then the return on equity
12 component shall be reduced by a maximum of 200
13 basis points in the event that the utility
14 achieved no more than 75% of such goal. If the
15 utility achieved more than 75% of the applicable
16 annual incremental goal but less than 100% of such
17 goal, then the return on equity component shall be
18 reduced by 8 basis points for each percent by
19 which the utility failed to achieve the goal.

20 (ii) If the independent evaluator determines
21 that the utility achieved a cumulative persisting
22 annual savings that is more than the applicable
23 annual incremental goal, then the return on equity
24 component shall be increased by a maximum of 200
25 basis points in the event that the utility
26 achieved at least 125% of such goal. If the

1 utility achieved more than 100% of the applicable
2 annual incremental goal but less than 125% of such
3 goal, then the return on equity component shall be
4 increased by 8 basis points for each percent by
5 which the utility achieved above the goal. If the
6 applicable annual incremental goal was reduced
7 under paragraphs (1) or (2) of subsection (f) of
8 this Section, then the following adjustments shall
9 be made to the calculations described in this item
10 (ii):

11 (aa) the calculation for determining
12 achievement that is at least 125% of the
13 applicable annual incremental goal shall use
14 the unreduced applicable annual incremental
15 goal to set the value; and

16 (bb) the calculation for determining
17 achievement that is less than 125% but more
18 than 100% of the applicable annual incremental
19 goal shall use the reduced applicable annual
20 incremental goal to set the value for 100%
21 achievement of the goal and shall use the
22 unreduced goal to set the value for 125%
23 achievement. The 8 basis point value shall
24 also be modified, as necessary, so that the
25 200 basis points are evenly apportioned among
26 each percentage point value between 100% and

1 125% achievement.

2 (B) For the period January 1, 2026 through
3 December 31, 2029 and in all subsequent 4-year periods
4 ~~2030~~, provide for an adjustment to the return on
5 equity component of the utility's weighted average
6 cost of capital calculated under subsection (d) of
7 this Section:

8 (i) If the independent evaluator determines
9 that the utility achieved a cumulative persisting
10 annual savings that is less than the applicable
11 annual incremental goal, then the return on equity
12 component shall be reduced by a maximum of 200
13 basis points in the event that the utility
14 achieved no more than 66% of such goal. If the
15 utility achieved more than 66% of the applicable
16 annual incremental goal but less than 100% of such
17 goal, then the return on equity component shall be
18 reduced by 6 basis points for each percent by
19 which the utility failed to achieve the goal.

20 (ii) If the independent evaluator determines
21 that the utility achieved a cumulative persisting
22 annual savings that is more than the applicable
23 annual incremental goal, then the return on equity
24 component shall be increased by a maximum of 200
25 basis points in the event that the utility
26 achieved at least 134% of such goal. If the

1 utility achieved more than 100% of the applicable
2 annual incremental goal but less than 134% of such
3 goal, then the return on equity component shall be
4 increased by 6 basis points for each percent by
5 which the utility achieved above the goal. If the
6 applicable annual incremental goal was reduced
7 under paragraph (3) of subsection (f) of this
8 Section, then the following adjustments shall be
9 made to the calculations described in this item
10 (ii):

11 (aa) the calculation for determining
12 achievement that is at least 134% of the
13 applicable annual incremental goal shall use
14 the unreduced applicable annual incremental
15 goal to set the value; and

16 (bb) the calculation for determining
17 achievement that is less than 134% but more
18 than 100% of the applicable annual incremental
19 goal shall use the reduced applicable annual
20 incremental goal to set the value for 100%
21 achievement of the goal and shall use the
22 unreduced goal to set the value for 134%
23 achievement. The 6 basis point value shall
24 also be modified, as necessary, so that the
25 200 basis points are evenly apportioned among
26 each percentage point value between 100% and

1 134% achievement.

2 (C) Notwithstanding the provisions of
3 subparagraphs (A) and (B) of this paragraph (7), if
4 the applicable annual incremental goal for an electric
5 utility is ever less than 0.6% of deemed average
6 weather normalized sales of electric power and energy
7 during calendar years 2014, 2015, and 2016, an
8 adjustment to the return on equity component of the
9 utility's weighted average cost of capital calculated
10 under subsection (d) of this Section shall be made as
11 follows:

12 (i) If the independent evaluator determines
13 that the utility achieved a cumulative persisting
14 annual savings that is less than would have been
15 achieved had the applicable annual incremental
16 goal been achieved, then the return on equity
17 component shall be reduced by a maximum of 200
18 basis points if the utility achieved no more than
19 75% of its applicable annual total savings
20 requirement as defined in paragraph (7.5) of this
21 subsection. If the utility achieved more than 75%
22 of the applicable annual total savings requirement
23 but less than 100% of such goal, then the return on
24 equity component shall be reduced by 8 basis
25 points for each percent by which the utility
26 failed to achieve the goal.

1 (ii) If the independent evaluator determines
2 that the utility achieved a cumulative persisting
3 annual savings that is more than would have been
4 achieved had the applicable annual incremental
5 goal been achieved, then the return on equity
6 component shall be increased by a maximum of 200
7 basis points if the utility achieved at least 125%
8 of its applicable annual total savings
9 requirement. If the utility achieved more than
10 100% of the applicable annual total savings
11 requirement but less than 125% of such goal, then
12 the return on equity component shall be increased
13 by 8 basis points for each percent by which the
14 utility achieved above the applicable annual total
15 savings requirement. If the applicable annual
16 incremental goal was reduced under paragraph (1)
17 or (2) of subsection (f) of this Section, then the
18 following adjustments shall be made to the
19 calculations described in this item (ii):

20 (aa) the calculation for determining
21 achievement that is at least 125% of the
22 applicable annual total savings requirement
23 shall use the unreduced applicable annual
24 incremental goal to set the value; and

25 (bb) the calculation for determining
26 achievement that is less than 125% but more

1 than 100% of the applicable annual total
2 savings requirement shall use the reduced
3 applicable annual incremental goal to set the
4 value for 100% achievement of the goal and
5 shall use the unreduced goal to set the value
6 for 125% achievement. The 8 basis point value
7 shall also be modified, as necessary, so that
8 the 200 basis points are evenly apportioned
9 among each percentage point value between 100%
10 and 125% achievement.

11 (7.5) For purposes of this Section, the term
12 "applicable annual incremental goal" means the difference
13 between the cumulative persisting annual savings goal for
14 the calendar year that is the subject of the independent
15 evaluator's determination and the cumulative persisting
16 annual savings goal for the immediately preceding calendar
17 year, as such goals are defined in subsections (b-5) and
18 (b-15) of this Section and as these goals may have been
19 modified as provided for under subsection (b-20) and
20 paragraphs (1) through (3) of subsection (f) of this
21 Section. Under subsections (b), (b-5), (b-10), and (b-15)
22 of this Section, a utility must first replace energy
23 savings from measures that have expired ~~reached the end of~~
24 ~~their measure lives and would otherwise have to be~~
25 ~~replaced to meet the applicable savings goals identified~~
26 ~~in subsection (b 5) or (b 15) of this Section before any~~

1 progress towards achievement of its applicable annual
2 incremental goal may be counted. Savings may expire
3 because measures installed in previous years have reached
4 the end of their lives, because measures installed in
5 previous years are producing lower savings in the current
6 year than in the previous year, or for other reasons
7 identified by independent evaluators. Notwithstanding
8 anything else set forth in this Section, the difference
9 between the actual annual incremental savings achieved in
10 any given year, including the replacement of energy
11 savings ~~from measures~~ that have expired, and the
12 applicable annual incremental goal shall not affect
13 adjustments to the return on equity for subsequent
14 calendar years under this subsection (g).

15 In this Section, "applicable annual total savings
16 requirement" means the total amount of new annual savings
17 that the utility must achieve in any given year to achieve
18 the applicable annual incremental goal. This is equal to
19 the applicable annual incremental goal plus the total new
20 annual savings that are required to replace savings that
21 expired in or at the end of the previous year.

22 (8) For electric utilities that serve less than
23 3,000,000 retail customers but more than 500,000 retail
24 customers in the State:

25 (A) Through December 31, 2025, the applicable
26 annual incremental goal shall be compared to the

1 annual incremental savings as determined by the
2 independent evaluator.

3 (i) The return on equity component shall be
4 reduced by 8 basis points for each percent by
5 which the utility did not achieve 84.4% of the
6 applicable annual incremental goal.

7 (ii) The return on equity component shall be
8 increased by 8 basis points for each percent by
9 which the utility exceeded 100% of the applicable
10 annual incremental goal.

11 (iii) The return on equity component shall not
12 be increased or decreased if the annual
13 incremental savings as determined by the
14 independent evaluator is greater than 84.4% of the
15 applicable annual incremental goal and less than
16 100% of the applicable annual incremental goal.

17 (iv) The return on equity component shall not
18 be increased or decreased by an amount greater
19 than 200 basis points pursuant to this
20 subparagraph (A).

21 (B) For the period of January 1, 2026 through
22 December 31, 2029 and in all subsequent 4-year periods
23 ~~2030~~, the applicable annual incremental goal shall be
24 compared to the annual incremental savings as
25 determined by the independent evaluator.

26 (i) The return on equity component shall be

1 reduced by 6 basis points for each percent by
2 which the utility did not achieve 100% of the
3 applicable annual incremental goal.

4 (ii) The return on equity component shall be
5 increased by 6 basis points for each percent by
6 which the utility exceeded 100% of the applicable
7 annual incremental goal.

8 (iii) The return on equity component shall not
9 be increased or decreased by an amount greater
10 than 200 basis points pursuant to this
11 subparagraph (B).

12 (C) Notwithstanding provisions in subparagraphs
13 (A) and (B) of paragraph (7) of this subsection, if the
14 applicable annual incremental goal for an electric
15 utility is ever less than 0.6% of deemed average
16 weather normalized sales of electric power and energy
17 during calendar years 2014, 2015 and 2016, an
18 adjustment to the return on equity component of the
19 utility's weighted average cost of capital calculated
20 under subsection (d) of this Section shall be made as
21 follows:

22 (i) The return on equity component shall be
23 reduced by 8 basis points for each percent by
24 which the utility did not achieve 100% of the
25 applicable annual total savings requirement.

26 (ii) The return on equity component shall be

1 increased by 8 basis points for each percent by
2 which the utility exceeded 100% of the applicable
3 annual total savings requirement.

4 (iii) The return on equity component shall not
5 be increased or decreased by an amount greater
6 than 200 basis points pursuant to this
7 subparagraph (C).

8 (D) ~~(C)~~ If the applicable annual incremental goal
9 was reduced under ~~paragraph paragraphs~~ (1), (2), ~~or~~
10 (3), ~~or~~ (4) of subsection (f) of this Section, then the
11 following adjustments shall be made to the
12 calculations described in subparagraphs (A), ~~and~~ (B),
13 and (C) of this paragraph (8):

14 (i) The calculation for determining
15 achievement that is at least 125% or 134%, as
16 applicable, of the applicable annual incremental
17 goal or the applicable annual total savings
18 requirement, as applicable, shall use the
19 unreduced applicable annual incremental goal to
20 set the value.

21 (ii) For the period through December 31, 2025,
22 the calculation for determining achievement that
23 is less than 125% but more than 100% of the
24 applicable annual incremental goal or the
25 applicable annual total savings requirement, as
26 applicable, shall use the reduced applicable

1 annual incremental goal to set the value for 100%
2 achievement of the goal and shall use the
3 unreduced goal to set the value for 125%
4 achievement. The 8 basis point value shall also be
5 modified, as necessary, so that the 200 basis
6 points are evenly apportioned among each
7 percentage point value between 100% and 125%
8 achievement.

9 (iii) For the period of January 1, 2026
10 through December 31, 2029 and all subsequent
11 4-year periods, the calculation for determining
12 achievement that is less than 125% or 134%, as
13 applicable, but more than 100% of the applicable
14 annual incremental goal or the applicable annual
15 total savings requirement, as applicable, shall
16 use the reduced applicable annual incremental goal
17 to set the value for 100% achievement of the goal
18 and shall use the unreduced goal to set the value
19 for 125% achievement. The 6 basis-point value or 8
20 basis-point value, as applicable, shall also be
21 modified, as necessary, so that the 200 basis
22 points are evenly apportioned among each
23 percentage point value between 100% and 125% or
24 between 100% and 134% achievement, as applicable
25 ~~2030, the calculation for determining achievement~~
26 ~~that is less than 134% but more than 100% of the~~

~~applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 134% achievement.~~

(9) The utility shall submit the energy savings data to the independent evaluator no later than 30 days after the close of the plan year. The independent evaluator shall determine the cumulative persisting annual savings for a given plan year, as well as an estimate of job impacts and other macroeconomic impacts of the efficiency programs for that year, no later than 120 days after the close of the plan year. The utility shall submit an informational filing to the Commission no later than 160 days after the close of the plan year that attaches the independent evaluator's final report identifying the cumulative persisting annual savings for the year and calculates, under paragraph (7) or (8) of this subsection (g), as applicable, any resulting change to the utility's return on equity component of the weighted average cost of capital applicable to the next plan year beginning with the January monthly billing period and extending through

1 the December monthly billing period. However, if the
2 utility recovers the costs incurred under this Section
3 under paragraphs (2) and (3) of subsection (d) of this
4 Section, then the utility shall not be required to submit
5 such informational filing, and shall instead submit the
6 information that would otherwise be included in the
7 informational filing as part of its filing under paragraph
8 (3) of such subsection (d) that is due on or before June 1
9 of each year.

10 For those utilities that must submit the informational
11 filing, the Commission may, on its own motion or by
12 petition, initiate an investigation of such filing,
13 provided, however, that the utility's proposed return on
14 equity calculation shall be deemed the final, approved
15 calculation on December 15 of the year in which it is filed
16 unless the Commission enters an order on or before
17 December 15, after notice and hearing, that modifies such
18 calculation consistent with this Section.

19 The adjustments to the return on equity component
20 described in paragraphs (7) and (8) of this subsection (g)
21 shall be applied as described in such paragraphs through a
22 separate tariff mechanism, which shall be filed by the
23 utility under subsections (f) and (g) of this Section.

24 (9.5) The utility must demonstrate how it will ensure
25 that program implementation contractors and energy
26 efficiency installation vendors will promote workforce

1 equity and quality jobs.

2 (9.6) Utilities shall collect data necessary to ensure
3 compliance with paragraph (9.5) no less than quarterly and
4 shall communicate progress toward compliance with
5 paragraph (9.5) to program implementation contractors and
6 energy efficiency installation vendors no less than
7 quarterly. Utilities shall work with relevant vendors,
8 providing education, training, and other resources needed
9 to ensure compliance and, where necessary, adjusting or
10 terminating work with vendors that cannot assist with
11 compliance.

12 (10) Utilities required to implement efficiency
13 programs under subsections (b-5) and (b-10) shall report
14 annually to the Illinois Commerce Commission and the
15 General Assembly on how hiring, contracting, job training,
16 and other practices related to its energy efficiency
17 programs enhance the diversity of vendors working on such
18 programs. These reports must include data on vendor and
19 employee diversity, including data on the implementation
20 of paragraphs (9.5) and (9.6). If the utility is not
21 meeting the requirements of paragraphs (9.5) and (9.6),
22 the utility shall submit a plan to adjust their activities
23 so that they meet the requirements of paragraphs (9.5) and
24 (9.6) within the following year.

25 (h) No more than 4% ~~6%~~ of energy efficiency and
26 demand-response program revenue may be allocated for research,

1 development, or pilot deployment of new equipment or measures.
2 Electric utilities shall work with interested stakeholders to
3 formulate a plan for how these funds should be spent,
4 incorporate statewide approaches for these allocations, and
5 file a 4-year plan that demonstrates that collaboration. If a
6 utility files a request for modified annual energy savings
7 goals with the Commission, then a utility shall forgo spending
8 portfolio dollars on research and development proposals.

9 (i) When practicable, electric utilities shall incorporate
10 advanced metering infrastructure data into the planning,
11 implementation, and evaluation of energy efficiency measures
12 and programs, subject to the data privacy and confidentiality
13 protections of applicable law.

14 (j) The independent evaluator shall follow the guidelines
15 and use the savings set forth in Commission-approved energy
16 efficiency policy manuals and technical reference manuals, as
17 each may be updated from time to time. Until such time as
18 measure life values for energy efficiency measures implemented
19 for low-income households under subsection (c) of this Section
20 are incorporated into such Commission-approved manuals, the
21 low-income measures shall have the same measure life values
22 that are established for same measures implemented in
23 households that are not low-income households.

24 (k) Notwithstanding any provision of law to the contrary,
25 an electric utility subject to the requirements of this
26 Section may file a tariff cancelling an automatic adjustment

1 clause tariff in effect under this Section or Section 8-103,
2 which shall take effect no later than one business day after
3 the date such tariff is filed. Thereafter, the utility shall
4 be authorized to defer and recover its expenditures incurred
5 under this Section through a new tariff authorized under
6 subsection (d) of this Section or in the utility's next rate
7 case under Article IX or Section 16-108.5 of this Act, with
8 interest at an annual rate equal to the utility's weighted
9 average cost of capital as approved by the Commission in such
10 case. If the utility elects to file a new tariff under
11 subsection (d) of this Section, the utility may file the
12 tariff within 10 days after June 1, 2017 (the effective date of
13 Public Act 99-906), and the cost inputs to such tariff shall be
14 based on the projected costs to be incurred by the utility
15 during the calendar year in which the new tariff is filed and
16 that were not recovered under the tariff that was cancelled as
17 provided for in this subsection. Such costs shall include
18 those incurred or to be incurred by the utility under its
19 multi-year plan approved under subsections (f) and (g) of this
20 Section, including, but not limited to, projected capital
21 investment costs and projected regulatory asset balances with
22 correspondingly updated depreciation and amortization reserves
23 and expense. The Commission shall, after notice and hearing,
24 approve, or approve with modification, such tariff and cost
25 inputs no later than 75 days after the utility filed the
26 tariff, provided that such approval, or approval with

1 modification, shall be consistent with the provisions of this
2 Section to the extent they do not conflict with this
3 subsection (k). The tariff approved by the Commission shall
4 take effect no later than 5 days after the Commission enters
5 its order approving the tariff.

6 No later than 60 days after the effective date of the
7 tariff cancelling the utility's automatic adjustment clause
8 tariff, the utility shall file a reconciliation that
9 reconciles the moneys collected under its automatic adjustment
10 clause tariff with the costs incurred during the period
11 beginning June 1, 2016 and ending on the date that the electric
12 utility's automatic adjustment clause tariff was cancelled. In
13 the event the reconciliation reflects an under-collection, the
14 utility shall recover the costs as specified in this
15 subsection (k). If the reconciliation reflects an
16 over-collection, the utility shall apply the amount of such
17 over-collection as a one-time credit to retail customers'
18 bills.

19 (1) For the calendar years covered by a multi-year plan
20 commencing after December 31, 2017, subsections (a) through
21 (j) of this Section do not apply to eligible large private
22 energy customers that have chosen to opt out of multi-year
23 plans consistent with this subsection (1).

24 (1) For purposes of this subsection (1), "eligible
25 large private energy customer" means any retail customers,
26 except for federal, State, municipal, and other public

1 customers, of an electric utility that serves more than
2 3,000,000 retail customers, except for federal, State,
3 municipal and other public customers, in the State and
4 whose total highest 30 minute demand was more than 10,000
5 kilowatts, or any retail customers of an electric utility
6 that serves less than 3,000,000 retail customers but more
7 than 500,000 retail customers in the State and whose total
8 highest 15 minute demand was more than 10,000 kilowatts.
9 For purposes of this subsection (1), "retail customer" has
10 the meaning set forth in Section 16-102 of this Act.
11 However, for a business entity with multiple sites located
12 in the State, where at least one of those sites qualifies
13 as an eligible large private energy customer, then any of
14 that business entity's sites, properly identified on a
15 form for notice, shall be considered eligible large
16 private energy customers for the purposes of this
17 subsection (1). A determination of whether this subsection
18 is applicable to a customer shall be made for each
19 multi-year plan beginning after December 31, 2017. The
20 criteria for determining whether this subsection (1) is
21 applicable to a retail customer shall be based on the 12
22 consecutive billing periods prior to the start of the
23 first year of each such multi-year plan.

24 (2) Within 45 days after the effective date of this
25 amendatory Act of the 102nd General Assembly, the
26 Commission shall prescribe the form for notice required

1 for opting out of energy efficiency programs. The notice
2 must be submitted to the retail electric utility 12 months
3 before the next energy efficiency planning cycle. However,
4 within 120 days after the Commission's initial issuance of
5 the form for notice, eligible large private energy
6 customers may submit a form for notice to an electric
7 utility. The form for notice for opting out of energy
8 efficiency programs shall include all of the following:

9 (A) a statement indicating that the customer has
10 elected to opt out;

11 (B) the account numbers for the customer accounts
12 to which the opt out shall apply;

13 (C) the mailing address associated with the
14 customer accounts identified under subparagraph (B);

15 (D) an American Society of Heating, Refrigerating,
16 and Air-Conditioning Engineers (ASHRAE) level 2 or
17 higher audit report conducted by an independent
18 third-party expert identifying cost-effective energy
19 efficiency project opportunities that could be
20 invested in over the next 10 years. A retail customer
21 with specialized processes may utilize a self-audit
22 process in lieu of the ASHRAE audit;

23 (E) a description of the customer's plans to
24 reallocate the funds toward internal energy efficiency
25 efforts identified in the subparagraph (D) report,
26 including, but not limited to: (i) strategic energy

1 management or other programs, including descriptions
2 of targeted buildings, equipment and operations; (ii)
3 eligible energy efficiency measures; and (iii)
4 expected energy savings, itemized by technology. If
5 the subparagraph (D) audit report identifies that the
6 customer currently utilizes the best available energy
7 efficient technology, equipment, programs, and
8 operations, the customer may provide a statement that
9 more efficient technology, equipment, programs, and
10 operations are not reasonably available as a means of
11 satisfying this subparagraph (E); and

12 (F) the effective date of the opt out, which will
13 be the next January 1 following notice of the opt out.

14 (3) Upon receipt of a properly and timely noticed
15 request for opt out submitted by an eligible large private
16 energy customer, the retail electric utility shall grant
17 the request, file the request with the Commission and,
18 beginning January 1 of the following year, the opted out
19 customer shall no longer be assessed the costs of the plan
20 and shall be prohibited from participating in that 4-year
21 plan cycle to give the retail utility the certainty to
22 design program plan proposals.

23 (4) Upon a customer's election to opt out under
24 paragraphs (1) and (2) of this subsection (1) and
25 commencing on the effective date of said opt out, the
26 account properly identified in the customer's notice under

1 paragraph (2) shall not be subject to any cost recovery
2 and shall not be eligible to participate in, or directly
3 benefit from, compliance with energy efficiency cumulative
4 persisting savings requirements under subsections (a)
5 through (j).

6 (5) A utility's cumulative persisting annual savings
7 targets will exclude any opted out load.

8 (6) The request to opt out is only valid for the
9 requested plan cycle. An eligible large private energy
10 customer must also request to opt out for future energy
11 plan cycles, otherwise the customer will be included in
12 the future energy plan cycle. For the calendar years
13 covered by a multi-year plan commencing after December 31,
14 2017, subsections (a) through (j) of this Section do not
15 apply to any retail customers of an electric utility that
16 serves more than 3,000,000 retail customers in the State
17 and whose total highest 30 minute demand was more than
18 10,000 kilowatts, or any retail customers of an electric
19 utility that serves less than 3,000,000 retail customers
20 but more than 500,000 retail customers in the State and
21 whose total highest 15 minute demand was more than 10,000
22 kilowatts. For purposes of this subsection (1), "retail
23 customer" has the meaning set forth in Section 16-102 of
24 this Act. A determination of whether this subsection is
25 applicable to a customer shall be made for each multi-year
26 plan beginning after December 31, 2017. The criteria for

~~determining whether this subsection (1) is applicable to a retail customer shall be based on the 12 consecutive billing periods prior to the start of the first year of each such multi-year plan.~~

(m) Notwithstanding the requirements of this Section, as part of a proceeding to approve a multi-year plan under subsections (f) and (g) of this Section if the multi-year plan has been designed to maximize savings, but does not meet the cost cap limitations of this Section, the Commission shall reduce the amount of energy efficiency measures implemented for any single year, and whose costs are recovered under subsection (d) of this Section, by an amount necessary to limit the estimated average net increase due to the cost of the measures to no more than

(1) 3.5% for each of the 4 years beginning January 1, 2018,

(2) (blank), ~~3.75% for each of the 4 years beginning January 1, 2022, and~~

(3) 4% for each of the 4 ~~5~~ years beginning January 1, 2022 ~~2026~~,

(4) 4.25% for the 4 years beginning January 1, 2026,
and

(5) 4.25% plus an increase sufficient to account for the rate of inflation between January 1, 2026 and January 1 of the first year of each subsequent 4-year plan cycle,
of the average amount paid per kilowatthour by residential

1 eligible retail customers during calendar year 2015. An
2 electric utility may plan to spend up to 10% more in any year
3 during an applicable multi-year plan period to
4 cost-effectively achieve additional savings so long as the
5 average over the applicable multi-year plan period does not
6 exceed the percentages defined in items (1) through (5). To
7 determine the total amount that may be spent by an electric
8 utility in any single year, the applicable percentage of the
9 average amount paid per kilowatthour shall be multiplied by
10 the total amount of energy delivered by such electric utility
11 in the calendar year 2015, adjusted to reflect the proportion
12 of the utility's load attributable to customers that have
13 opted out of ~~who are exempt from~~ subsections (a) through (j) of
14 this Section under subsection (l) of this Section. For
15 purposes of this subsection (m), the amount paid per
16 kilowatthour includes, without limitation, estimated amounts
17 paid for supply, transmission, distribution, surcharges, and
18 add-on taxes. For purposes of this Section, "eligible retail
19 customers" shall have the meaning set forth in Section
20 16-111.5 of this Act. Once the Commission has approved a plan
21 under subsections (f) and (g) of this Section, no subsequent
22 rate impact determinations shall be made.

23 (n) A utility shall take advantage of the efficiencies
24 available through existing Illinois Home Weatherization
25 Assistance Program infrastructure and services, such as
26 enrollment, marketing, quality assurance and implementation,

1 which can reduce the need for similar services at a lower cost
2 than utility-only programs, subject to capacity constraints at
3 community action agencies, for both single-family and
4 multifamily weatherization services, to the extent Illinois
5 Home Weatherization Assistance Program CAAs provide
6 multifamily services. A utility's plan shall demonstrate that
7 in formulating annual weatherization budgets, it has sought
8 input and coordination with community action agencies
9 regarding agencies' capacity to expand and maximize Illinois
10 Home Weatherization Assistance Program delivery using the
11 ratepayer dollars collected under this Section.

12 (Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19.)

13 (220 ILCS 5/8-201.8 new)

14 Sec. 8-201.8. Prohibition on late payment fees for
15 low-income residential customers or applicants.

16 (a) Notwithstanding any other provision of this Act, as of
17 the effective date of this amendatory Act of the 102nd General
18 Assembly, an electric utility shall not charge a low-income
19 residential customer or applicant a fee, charge, or penalty
20 for late payment of any utility bill or invoice.
21 Notwithstanding any other provision of this Act, as of January
22 1, 2023, a natural gas utility shall not charge a low-income
23 residential customer or applicant a fee, charge, or penalty
24 for late payment of any utility bill or invoice.

25 (b) As used in this Section, "low-income residential

1 customer or applicant" means: (i) a member of a household at or
2 below 80% of the latest median household income as reported by
3 the United States Census Bureau for the most applicable
4 community or county; (ii) a member of a household at or below
5 150% of the federal poverty level; (iii) a person who is
6 eligible for the Illinois Low Income Home Energy Assistance
7 Program (LIHEAP) as defined in the Energy Assistance Act; (iv)
8 a person who is eligible to participate in the Percentage of
9 Income Payment Plan (PIPP or PIP Plan) as defined in the Energy
10 Assistance Act; or (v) a person who is eligible to receive
11 Lifeline service as defined in the Universal Service Telephone
12 Service Protection Law of 1985.

13 (220 ILCS 5/8-201.10 new)

14 Sec. 8-201.10. Disconnection and credit and collections
15 reporting.

16 (a) The Commission shall require all gas, electric, water
17 and sewer public utilities under its authority to submit an
18 annual report by May 1, 2022 and every May 1 thereafter,
19 reporting and making publicly available in executable,
20 electronic spreadsheet format, by zip code, on the number of
21 disconnections for nonpayment and reconnections that occurred
22 in the immediately preceding calendar year.

23 (b) Each such public utility in its annual report shall
24 report to the Commission and make publicly available in
25 executable, electronic spreadsheet format the following

1 information, by zip code, for the immediately preceding
2 calendar year:

3 (1) the number of customers, by customer class and
4 type of utility service provided, during each month;

5 (2) the number of customers, by customer class and
6 type of utility service, receiving disconnection notices
7 during each month;

8 (3) the number of customers, by customer class and
9 type of utility service, disconnected for nonpayment
10 during each month;

11 (4) the number of customers, by customer class and
12 type of utility service, reconnected because they have
13 paid in full or set up payment arrangements during each
14 month;

15 (5) the number of new deferred payment agreements, by
16 customer class and type of utility service, each month;

17 (6) the number of customers, by customer class and
18 type of utility service, taking service at the beginning
19 of the month under existing deferred payment arrangements;

20 (7) the number of customers, by customer class and
21 type of utility service, completing deferred payment
22 arrangements during the month;

23 (8) the number of payment agreements, by customer
24 class and type of utility service, that failed during each
25 month;

26 (9) the number of customers, by customer class and

1 type of utility service, renegotiating deferred payment
2 arrangements during the month;

3 (10) the number of customers, by customer class and
4 type of utility service, assessed late payment fees or
5 charges during the month;

6 (11) the number of customers, by customer class and
7 type of utility service, taking service at the beginning
8 of the month under existing medical payment arrangements;

9 (12) the number of customers, by utility service,
10 completing medical payment arrangements during the month;

11 (13) the number of customers, by utility service,
12 enrolling in new medical payment arrangements during the
13 month;

14 (14) the number of customers, by utility service,
15 renegotiating medical payment arrangements plans during
16 the month;

17 (15) the number of customers, by customer class and
18 utility service, with required deposits with the company
19 at the beginning of the month;

20 (16) the number of customers, by customer class and
21 utility service, required to submit new deposits or
22 increased deposits during the month;

23 (17) the number of customers, by customer class and
24 utility service, whose required deposits were reduced in
25 part or forgone during the month;

26 (18) the number of customers, by customer class and

1 utility service, whose deposits were returned in full
2 during the month;

3 (19) the number of customers, by customer class and
4 utility service, with past due amounts greater than 30
5 days past due at the beginning of the month and taking
6 service at the beginning of the month under existing
7 deferred payment arrangements;

8 (20) the dollar volume of past due accounts, by
9 customer class and utility service, for customers with
10 past due amounts greater than 30 days past due at the
11 beginning of the month and taking service at the beginning
12 of the month under existing deferred payment arrangements;

13 (21) the number of customers, by customer class and
14 utility service, with past due amounts greater than 30
15 days past due at the beginning of the month and not taking
16 service at the beginning of the month under existing
17 deferred payment arrangements; and

18 (22) the dollar volume of past due accounts, by
19 customer class and utility service, for customers with
20 past due amounts greater than 30 days past due at the
21 beginning of the month and not taking service at the
22 beginning of the month under existing deferred payment
23 arrangements.

24 (c) The Commission may specify the executable, electronic
25 spreadsheet format that utilities must adhere to when
26 submitting the information required by this Section.

1 Notwithstanding the requirements of this Section, the
2 Commission may establish an online reporting system and
3 require each public utility to report using the online
4 reporting system instead of filing information in executable,
5 electronic spreadsheet format. The Commission shall make each
6 annual report submitted by each public utility publicly
7 available on its website within 30 days of receipt.

8 (d) The Commission shall require all gas, electric, water
9 and sewer public utilities under its authority to submit an
10 annual report by May 1, 2022 and every May 1 thereafter,
11 detailing the number of disconnections for nonpayment and
12 reconnections that occurred in the immediately preceding
13 calendar year.

14 (e) Each such public utility in its annual report shall
15 include the following information for the immediately
16 preceding calendar year:

17 (1) the number of customers, by customer class, during
18 each month;

19 (2) the number of customers, by customer class,
20 disconnected for nonpayment during each month;

21 (3) the number of customers, by customer class,
22 reconnected because they have paid in full or set up
23 payment arrangements during each month; and

24 (4) the number of customers, by customer class, who
25 have set up payment arrangements each month.

26 (f) The Commission shall make each annual report submitted

1 by each public utility publicly available on its website
2 within 30 days of receipt.

3 (220 ILCS 5/8-218 new)

4 Sec. 8-218. Utility-scale pilot projects.

5 (a) Electric utilities serving greater than 500,000
6 customers but less than 3,000,000 customers may propose, plan
7 for, construct, install, control, own, manage, or operate up
8 to 2 pilot projects consisting of utility-scale photovoltaic
9 energy generation facilities. Energy storage facilities that
10 are planned for, constructed, installed, controlled, owned,
11 managed, or operated may be constructed in connection with the
12 photovoltaic electricity generation pilot projects.

13 (b) Pilot projects shall be sited in equity investment
14 eligible communities in or near the towns of Peoria and East
15 St. Louis and must result in economic benefits for the members
16 of the communities in which the project will be located. The
17 amount paid per pilot project with or without energy storage
18 facilities cannot exceed \$20,000,000. The electric utility's
19 costs of planning for, constructing, installing, controlling,
20 owning, managing, or operating the photovoltaic electricity
21 generation facilities and energy storage facilities may be
22 recovered, on a kilowatt hour basis, via an automatic
23 adjustment clause tariff applicable to all retail customers,
24 with the tariff to be approved by the Commission after
25 opportunity for review, and with an annual reconciliation

1 component; and for purposes of cost recovery, the photovoltaic
2 electricity production facilities may be treated as regulatory
3 assets, using the same ratemaking treatment in paragraph (1)
4 of subsection (h) of Section 16-107.6 of this Act, provided:
5 (1) the Commission shall have the authority to determine the
6 reasonableness of the costs of the facilities, and (2) any
7 monetary value of power and energy from the facilities shall
8 be credited against the delivery services revenue requirement.

9 (c) Any electric utility seeking to propose, plan for,
10 construct, install, control, own, manage, or operate a pilot
11 project pursuant to this Section must commit to using a
12 diverse and equitable workforce and a diverse set of
13 contractors, including minority-owned businesses,
14 disadvantaged businesses, trade unions, graduates of any
15 workforce training programs established by this amendatory Act
16 of the 102nd General Assembly, and small businesses. An
17 electric utility must comply with the equity commitment
18 requirements in subsection (c-10) of Section 1-75 of the
19 Illinois Power Agency Act. The electric utility must certify
20 that not less than the prevailing wage will be paid to
21 employees engaged in construction activities associated with
22 the pilot project. The electric utility must file a project
23 labor agreement, as defined in the Illinois Power Agency Act,
24 with the Commission prior to constructing, installing,
25 controlling, or owning a pilot project authorized by this
26 Section.

1 (220 ILCS 5/8-402.2 new)

2 Sec. 8-402.2. Public Schools Carbon-Free Assessment
3 programs.

4 (a) Within one year after the effective date of this
5 amendatory Act of the 102nd General Assembly, each electric
6 utility serving over 500,000 retail customers in this State
7 shall implement a Public Schools Carbon-Free Assessment
8 program.

9 (b) Each utility's Public Schools Carbon-Free Assessment
10 program shall include the following requirements:

11 (1) Each plan shall be designed to offer within the
12 utility's service territory to assist public schools, as
13 defined by Section 1-3 of the School Code, to increase the
14 efficiency of their energy usage, to reduce the carbon
15 emissions associated with their energy usage, and to move
16 toward a goal of public schools being carbon-free in their
17 energy usage by 2030. The program shall include a target
18 of completing Public Schools Carbon-Free Assessment for
19 all public schools in the utility's service territory by
20 December 31, 2029.

21 (2) The Public Schools Carbon-Free Assessment shall be
22 a generally standardized assessment, but may incorporate
23 flexibility to reflect the circumstances of individual
24 public schools and public school districts.

25 (3) The Public Schools Carbon-Free Assessment shall

1 include, but not be limited to, comprehensive analyses of
2 the following subjects:

3 (A) The top energy efficiency savings
4 opportunities for the public school, by energy saved;

5 (B) The total achievable solar energy potential on
6 or nearby a public school's premises and able to
7 provide power to a school;

8 (C) The infrastructure required to support
9 electrification of the facility's space heating and
10 water heating needs;

11 (D) The infrastructure requirements to support
12 electrification of a school's transportation needs;
13 and

14 (E) The investments required to achieve a WELL
15 Certification or similar certification as determined
16 through methods developed and updated by the
17 International WELL Building Institute or similar or
18 successor organizations.

19 (4) The Public Schools Carbon-Free Assessment also
20 shall include, but not be limited to, mechanical
21 insulation evaluation inspection and inspection of the
22 building envelope(s).

23 (5) With respect to those public school construction
24 projects for public schools within the service territory
25 of a utility serving over 500,000 retail customers in this
26 State and for which a public school district applies for a

1 grant under Section 5-40 of the School Construction Law on
2 or after June 1, 2023, the district must submit a copy of
3 the applicable Public Schools Carbon-Free Assessment
4 report, or, if no such Public Schools Carbon-Free
5 Assessment has been performed, request the applicable
6 utility to perform such a Public Schools Carbon-Free
7 Assessment and submit a copy of the Public Schools
8 Carbon-Free Assessment report promptly when it becomes
9 available. The Public Schools Carbon-Free Assessment
10 report shall include, but not limited to, an energy audit
11 of both the building envelope and the building's
12 mechanical insulation system. It shall also include an
13 inspection of both the building envelope and the
14 mechanical insulation system. The district must
15 demonstrate how the construction project is designed and
16 managed to achieve the goals that all public elementary
17 and secondary school facilities in the State are able to
18 be powered by clean energy by 2030, and for such
19 facilities to achieve carbon-free energy sources for space
20 heat, water heat, and transportation by 2050.

21 (6) The results of each Public Schools Carbon-Free
22 Assessment shall be memorialized by the utility or by a
23 third party acting on behalf of the utility in a usable
24 report form and shall be provided to the applicable public
25 school. Each utility shall be required to retain a copy of
26 each Public Schools Carbon-Free Assessment report and to

1 provide confidential copies of each report to the Illinois
2 Power Agency and the Illinois Capital Development Board
3 within 3 months of its completion.

4 (7) The Public Schools Carbon-Free Assessment shall be
5 conducted in coordination with each utility's energy
6 efficiency and demand-response plans under Sections 8-103,
7 8-103A, and 8-103B of this Act, to the extent applicable.
8 Nothing in this Section is intended to modify or require
9 modification of those plans. However, the utility may
10 request a modification of a plan approved by the
11 Commission, and the Commission may approve the requested
12 modification, if the modification is consistent with the
13 provisions of this Section and Section 8-103B of this Act.

14 (8) If there are no other providers of assessments
15 that are substantively the same as those being performed
16 by utilities pursuant to this Section by 2024, a utility
17 that has a Public Schools Carbon-Free Assessment program
18 may offer assessments to public schools that are not
19 served by a utility subject to this Section at the
20 utility's cost.

21 (9) The Public Schools Carbon-Free Assessment shall be
22 offered to and performed for public schools in the
23 utility's service territory on a complimentary basis by
24 each utility, with no Assessment fee charged to the public
25 schools for the Assessments. Nothing in this Section is
26 intended to prohibit the utility from recovering through

1 rates approved by the Commission the utility's prudent and
2 reasonable costs of complying with this Section.

3 (10) Utilities shall make efforts to prioritize the
4 completion of Public Schools Carbon-Free Assessments for
5 the following school districts by December 31, 2022: East
6 St. Louis School District 189, Harvey School District 152,
7 Thornton Township High School District 205.

8 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

9 Sec. 8-406. Certificate of public convenience and
10 necessity.

11 (a) No public utility not owning any city or village
12 franchise nor engaged in performing any public service or in
13 furnishing any product or commodity within this State as of
14 July 1, 1921 and not possessing a certificate of public
15 convenience and necessity from the Illinois Commerce
16 Commission, the State Public Utilities Commission or the
17 Public Utilities Commission, at the time this amendatory Act
18 of 1985 goes into effect, shall transact any business in this
19 State until it shall have obtained a certificate from the
20 Commission that public convenience and necessity require the
21 transaction of such business.

22 (b) No public utility shall begin the construction of any
23 new plant, equipment, property or facility which is not in
24 substitution of any existing plant, equipment, property or
25 facility or any extension or alteration thereof or in addition

1 thereto, unless and until it shall have obtained from the
2 Commission a certificate that public convenience and necessity
3 require such construction. Whenever after a hearing the
4 Commission determines that any new construction or the
5 transaction of any business by a public utility will promote
6 the public convenience and is necessary thereto, it shall have
7 the power to issue certificates of public convenience and
8 necessity. The Commission shall determine that proposed
9 construction will promote the public convenience and necessity
10 only if the utility demonstrates: (1) that the proposed
11 construction is necessary to provide adequate, reliable, and
12 efficient service to its customers and is the least-cost means
13 of satisfying the service needs of its customers or that the
14 proposed construction will promote the development of an
15 effectively competitive electricity market that operates
16 efficiently, is equitable to all customers, and is the least
17 cost means of satisfying those objectives; (2) that the
18 utility is capable of efficiently managing and supervising the
19 construction process and has taken sufficient action to ensure
20 adequate and efficient construction and supervision thereof;
21 and (3) that the utility is capable of financing the proposed
22 construction without significant adverse financial
23 consequences for the utility or its customers.

24 (b-5) As used in this subsection (b-5):

25 "Qualifying direct current applicant" means an entity that
26 seeks to provide direct current bulk transmission service for

1 the purpose of transporting electric energy in interstate
2 commerce.

3 "Qualifying direct current project" means a high voltage
4 direct current electric service line that crosses at least one
5 Illinois border, the Illinois portion of which is physically
6 located within the region of the Midcontinent Independent
7 System Operator, Inc., or its successor organization, and runs
8 through the counties of Pike, Scott, Greene, Macoupin,
9 Montgomery, Christian, Shelby, Cumberland, and Clark, is
10 capable of transmitting electricity at voltages of 345kv or
11 above, and may also include associated interconnected
12 alternating current interconnection facilities in this State
13 that are part of the proposed project and reasonably necessary
14 to connect the project with other portions of the grid.

15 Notwithstanding any other provision of this Act, a
16 qualifying direct current applicant that does not own,
17 control, operate, or manage, within this State, any plant,
18 equipment, or property used or to be used for the transmission
19 of electricity at the time of its application or of the
20 Commission's order may file an application on or before
21 December 31, 2023 with the Commission pursuant to this Section
22 or Section 8-406.1 for, and the Commission may grant, a
23 certificate of public convenience and necessity to construct,
24 operate, and maintain a qualifying direct current project. The
25 qualifying direct current applicant may also include in the
26 application requests for authority under Section 8-503. The

1 Commission shall grant the application for a certificate of
2 public convenience and necessity and requests for authority
3 under Section 8-503 if it finds that the qualifying direct
4 current applicant and the proposed qualifying direct current
5 project satisfy the requirements of this subsection and
6 otherwise satisfy the criteria of this Section or Section
7 8-406.1 and the criteria of Section 8-503, as applicable to
8 the application and to the extent such criteria are not
9 superseded by the provisions of this subsection. The
10 Commission's order on the application for the certificate of
11 public convenience and necessity shall also include the
12 Commission's findings and determinations on the request or
13 requests for authority pursuant to Section 8-503. Prior to
14 filing its application under either this Section or Section
15 8-406.1, the qualifying direct current applicant shall conduct
16 3 public meetings in accordance with subsection (h) of this
17 Section. If the qualifying direct current applicant
18 demonstrates in its application that the proposed qualifying
19 direct current project is designed to deliver electricity to a
20 point or points on the electric transmission grid in either or
21 both the PJM Interconnection, LLC or the Midcontinent
22 Independent System Operator, Inc., or their respective
23 successor organizations, the proposed qualifying direct
24 current project shall be deemed to be, and the Commission
25 shall find it to be, for public use. If the qualifying direct
26 current applicant further demonstrates in its application that

1 the proposed transmission project has a capacity of 1,000
2 megawatts or larger and a voltage level of 345 kilovolts or
3 greater, the proposed transmission project shall be deemed to
4 satisfy, and the Commission shall find that it satisfies, the
5 criteria stated in item (1) of subsection (b) of this Section
6 or in paragraph (1) of subsection (f) of Section 8-406.1, as
7 applicable to the application, without the taking of
8 additional evidence on these criteria. Prior to the transfer
9 of functional control of any transmission assets to a regional
10 transmission organization, a qualifying direct current
11 applicant shall request Commission approval to join a regional
12 transmission organization in an application filed pursuant to
13 this subsection (b-5) or separately pursuant to Section 7-102
14 of this Act. The Commission may grant permission to a
15 qualifying direct current applicant to join a regional
16 transmission organization if it finds that the membership, and
17 associated transfer of functional control of transmission
18 assets, benefits Illinois customers in light of the attendant
19 costs and is otherwise in the public interest. Nothing in this
20 subsection (b-5) requires a qualifying direct current
21 applicant to join a regional transmission organization.
22 Nothing in this subsection (b-5) requires the owner or
23 operator of a high voltage direct current transmission line
24 that is not a qualifying direct current project to obtain a
25 certificate of public convenience and necessity to the extent
26 it is not otherwise required by this Section 8-406 or any other

1 provision of this Act.

2 (c) After the effective date of this amendatory Act of
3 1987, no construction shall commence on any new nuclear power
4 plant to be located within this State, and no certificate of
5 public convenience and necessity or other authorization shall
6 be issued therefor by the Commission, until the Director of
7 the Illinois Environmental Protection Agency finds that the
8 United States Government, through its authorized agency, has
9 identified and approved a demonstrable technology or means for
10 the disposal of high level nuclear waste, or until such
11 construction has been specifically approved by a statute
12 enacted by the General Assembly.

13 As used in this Section, "high level nuclear waste" means
14 those aqueous wastes resulting from the operation of the first
15 cycle of the solvent extraction system or equivalent and the
16 concentrated wastes of the subsequent extraction cycles or
17 equivalent in a facility for reprocessing irradiated reactor
18 fuel and shall include spent fuel assemblies prior to fuel
19 reprocessing.

20 (d) In making its determination, the Commission shall
21 attach primary weight to the cost or cost savings to the
22 customers of the utility. The Commission may consider any or
23 all factors which will or may affect such cost or cost savings,
24 including the public utility's engineering judgment regarding
25 the materials used for construction.

26 (e) The Commission may issue a temporary certificate which

1 shall remain in force not to exceed one year in cases of
2 emergency, to assure maintenance of adequate service or to
3 serve particular customers, without notice or hearing, pending
4 the determination of an application for a certificate, and may
5 by regulation exempt from the requirements of this Section
6 temporary acts or operations for which the issuance of a
7 certificate will not be required in the public interest.

8 A public utility shall not be required to obtain but may
9 apply for and obtain a certificate of public convenience and
10 necessity pursuant to this Section with respect to any matter
11 as to which it has received the authorization or order of the
12 Commission under the Electric Supplier Act, and any such
13 authorization or order granted a public utility by the
14 Commission under that Act shall as between public utilities be
15 deemed to be, and shall have except as provided in that Act the
16 same force and effect as, a certificate of public convenience
17 and necessity issued pursuant to this Section.

18 No electric cooperative shall be made or shall become a
19 party to or shall be entitled to be heard or to otherwise
20 appear or participate in any proceeding initiated under this
21 Section for authorization of power plant construction and as
22 to matters as to which a remedy is available under The Electric
23 Supplier Act.

24 (f) Such certificates may be altered or modified by the
25 Commission, upon its own motion or upon application by the
26 person or corporation affected. Unless exercised within a

1 period of 2 years from the grant thereof authority conferred
2 by a certificate of convenience and necessity issued by the
3 Commission shall be null and void.

4 No certificate of public convenience and necessity shall
5 be construed as granting a monopoly or an exclusive privilege,
6 immunity or franchise.

7 (g) A public utility that undertakes any of the actions
8 described in items (1) through (3) of this subsection (g) or
9 that has obtained approval pursuant to Section 8-406.1 of this
10 Act shall not be required to comply with the requirements of
11 this Section to the extent such requirements otherwise would
12 apply. For purposes of this Section and Section 8-406.1 of
13 this Act, "high voltage electric service line" means an
14 electric line having a design voltage of 100,000 or more. For
15 purposes of this subsection (g), a public utility may do any of
16 the following:

17 (1) replace or upgrade any existing high voltage
18 electric service line and related facilities,
19 notwithstanding its length;

20 (2) relocate any existing high voltage electric
21 service line and related facilities, notwithstanding its
22 length, to accommodate construction or expansion of a
23 roadway or other transportation infrastructure; or

24 (3) construct a high voltage electric service line and
25 related facilities that is constructed solely to serve a
26 single customer's premises or to provide a generator

1 interconnection to the public utility's transmission
2 system and that will pass under or over the premises owned
3 by the customer or generator to be served or under or over
4 premises for which the customer or generator has secured
5 the necessary right of way.

6 (h) A public utility seeking to construct a high-voltage
7 electric service line and related facilities (Project) must
8 show that the utility has held a minimum of 2 pre-filing public
9 meetings to receive public comment concerning the Project in
10 each county where the Project is to be located, no earlier than
11 6 months prior to filing an application for a certificate of
12 public convenience and necessity from the Commission. Notice
13 of the public meeting shall be published in a newspaper of
14 general circulation within the affected county once a week for
15 3 consecutive weeks, beginning no earlier than one month prior
16 to the first public meeting. If the Project traverses 2
17 contiguous counties and where in one county the transmission
18 line mileage and number of landowners over whose property the
19 proposed route traverses is one-fifth or less of the
20 transmission line mileage and number of such landowners of the
21 other county, then the utility may combine the 2 pre-filing
22 meetings in the county with the greater transmission line
23 mileage and affected landowners. All other requirements
24 regarding pre-filing meetings shall apply in both counties.
25 Notice of the public meeting, including a description of the
26 Project, must be provided in writing to the clerk of each

1 county where the Project is to be located. A representative of
2 the Commission shall be invited to each pre-filing public
3 meeting.

4 (i) For applications filed after the effective date of
5 this amendatory Act of the 99th General Assembly, the
6 Commission shall by registered mail notify each owner of
7 record of land, as identified in the records of the relevant
8 county tax assessor, included in the right-of-way over which
9 the utility seeks in its application to construct a
10 high-voltage electric line of the time and place scheduled for
11 the initial hearing on the public utility's application. The
12 utility shall reimburse the Commission for the cost of the
13 postage and supplies incurred for mailing the notice.

14 (Source: P.A. 99-399, eff. 8-18-15.)

15 (220 ILCS 5/8-512 new)

16 Sec. 8-512. Renewable energy access plan.

17 (a) It is the policy of this State to promote
18 cost-effective transmission system development that ensures
19 reliability of the electric transmission system, lowers carbon
20 emissions, minimizes long-term costs for consumers, and
21 supports the electric policy goals of this State. The General
22 Assembly finds that:

23 (1) Transmission planning, primarily for reliability
24 purposes, but also for economic and public policy reasons
25 is conducted by regional transmission organizations in

1 which transmission-owning Illinois utilities and other
2 stakeholders are members.

3 (2) Order No. 1000 of the Federal Energy Regulatory
4 Commission requires regional transmission organizations to
5 plan for transmission system needs in light of State
6 public policies and to accept input from states during the
7 transmission system planning processes.

8 (3) The State of Illinois does not currently have a
9 comprehensive power and environmental policy planning
10 process to identify transmission infrastructure needs that
11 can serve as a vital input into the regional and
12 interregional transmission organization planning
13 processes conducted under Order No. 1000 and other laws
14 and regulations.

15 (4) This State is an electricity generation and power
16 transmission hub, and can leverage that position to invest
17 in infrastructure that enables new and existing Illinois
18 generators to meet the public policy goals of the State of
19 Illinois and of interconnected states while
20 cost-effectively supporting tens of thousands of jobs in
21 the renewable energy sector in this State.

22 (5) The nation has a need to readily access this
23 State's low-cost, clean electric power, and this State
24 also desires access to clean energy resources in other
25 states to develop and support its low-carbon economy and
26 keep electricity prices low in Illinois and interconnected

1 States.

2 (6) Existing transmission infrastructure may constrain
3 the State's achievement of 100% renewable energy by 2050,
4 the accelerated adoption of electric vehicles in a just
5 and equitable way, and electrification of additional
6 sectors of the Illinois economy.

7 (7) Transmission system congestion within this State
8 and the regional transmission organizations serving this
9 State limits the ability of this State's existing and new
10 electric generation facilities that do not emit carbon
11 dioxide, including renewable energy resources and zero
12 emission facilities, to serve the public policy goals of
13 this State and other states, which constrains investment
14 in this State.

15 (8) Investment in infrastructure to support existing
16 and new electric generation facilities that do not emit
17 carbon dioxide, including renewable energy resources and
18 zero emission facilities, stimulates significant economic
19 development and job growth in this State, as well as
20 creates environmental and public health benefits in this
21 State.

22 (9) Creating a forward-looking plan for this State's
23 electric transmission infrastructure, as opposed to
24 relying on case-by-case development and repeated marginal
25 upgrades, will achieve a lower-cost system for Illinois'
26 electricity customers. A forward-looking plan can also

1 help integrate and achieve a comprehensive set of
2 objectives and multiple state, regional, and national
3 policy goals.

4 (10) Alternatives to overhead electric transmission
5 lines can achieve cost-effective resolution of system
6 impacts and warrant investigation of the circumstances
7 under which those alternatives should be considered and
8 approved. The alternatives are likely to be beneficial as
9 investment in electric transmission infrastructure moves
10 forward.

11 (11) Because transmission planning is conducted
12 primarily by the regional transmission organizations, the
13 Commission should be advocating for the State's interests
14 at the regional transmission organizations to ensure that
15 such planning facilitates the State's policies and goals,
16 including overall consumer savings, power system
17 reliability, economic development, environmental
18 improvement, and carbon reduction.

19 (b) Consistent with the findings identified in subsection
20 (a), the Commission shall open an investigation to develop and
21 adopt a renewable energy access plan no later than December
22 31, 2022. To assist and support the Commission in the
23 development of the plan, the Commission shall retain the
24 services of technical and policy experts with relevant fields
25 of expertise, solicit technical and policy analysis from the
26 public, and provide for a 120-day open public comment period

1 after publication of a draft report, which shall be published
2 no later than 90 days after the comment period ends. The plan
3 shall, at a minimum, do the following:

4 (1) designate renewable energy access plan zones
5 throughout this State in areas in which renewable energy
6 resources and suitable land areas are sufficient for
7 developing generating capacity from renewable energy
8 technologies;

9 (2) develop a plan to achieve transmission capacity
10 necessary to deliver the electric output from renewable
11 energy technologies in the renewable energy access plan
12 zones to customers in Illinois and other states in a
13 manner that is most beneficial and cost-effective to
14 customers;

15 (3) use this State's position as an electricity
16 generation and power transmission hub to create new
17 investment in this State's renewable energy resources;

18 (4) consider programs, policies, and electric
19 transmission projects that can be adopted within this
20 State that promote the cost-effective delivery of power
21 from renewable energy resources interconnected to the bulk
22 electric system to meet the renewable portfolio standard
23 targets under subsection (c) of Section 1-75 of the
24 Illinois Power Agency Act;

25 (5) consider proposals to improve regional
26 transmission organizations' regional and interregional

1 system planning processes, especially proposals that
2 reduce costs and emissions, create jobs, and increase
3 State and regional power system reliability to prevent
4 high-cost outages that can endanger lives, and analyze of
5 how those proposals would improve reliability and
6 cost-effective delivery of electricity in Illinois and the
7 region;

8 (6) make findings and policy recommendations based on
9 technical and policy analysis regarding locations of
10 renewable energy access plan zones and the transmission
11 system developments needed to cost-effectively achieve the
12 public policy goals identified herein; and

13 (7) present the Commission's conclusions and proposed
14 recommendations based on its analysis and use the findings
15 and policy recommendations to determine actions that the
16 Commission should take.

17 (c) No later than December 31, 2025, and every other year
18 thereafter, the Commission shall open an investigation to
19 develop and adopt an updated renewable energy access plan
20 that, at a minimum, evaluates the implementation and
21 effectiveness of the renewable energy access plan, recommends
22 improvements to the renewable energy access plan, and provides
23 changes to transmission capacity necessary to deliver electric
24 output from the renewable energy access plan zones.

1 Sec. 9-228. Limits on public utility expenses. The
2 Commission shall not consider any of the following as an
3 expense of any public utility company, including any
4 allocation of those costs to the public utility from an
5 affiliate or corporate parent, for the purpose of determining
6 any rate or charge, any amount expended for:

7 (1) the pension or other post-employment benefits for
8 an employee convicted of committing a criminal act in the
9 course of his or her work with the utility;

10 (2) any severance or post-employment costs for an
11 employee convicted of committing a criminal act in the
12 course of his or her work with the utility; or

13 (3) criminal penalties, fines, fees, and costs related
14 to criminal charges, criminal investigations, or deferred
15 prosecution agreements.

16 (220 ILCS 5/9-229)

17 Sec. 9-229. Consideration of attorney and expert
18 compensation as an expense and intervenor compensation fund.

19 (a) The Commission shall specifically assess the justness
20 and reasonableness of any amount expended by a public utility
21 to compensate attorneys or technical experts to prepare and
22 litigate a general rate case filing. This issue shall be
23 expressly addressed in the Commission's final order.

24 (b) The State of Illinois shall create a Consumer
25 Intervenor Compensation Fund subject to the following:

1 (1) Provision of compensation for Consumer Interest
2 Representatives that intervene in Illinois Commerce
3 Commission proceedings will increase public engagement,
4 encourage additional transparency, expand the information
5 available to the Commission, and improve decision-making.

6 (2) As used in this Section, "Consumer interest
7 representative" means:

8 (A) a residential utility customer or group of
9 residential utility customers represented by a
10 not-for-profit group or organization registered with
11 the Illinois Attorney General under the Solicitation
12 of Charity Act;

13 (B) representatives of not-for-profit groups or
14 organizations whose membership is limited to
15 residential utility customers; or

16 (C) representatives of not-for-profit groups or
17 organizations whose membership includes Illinois
18 residents and that address the community, economic,
19 environmental, or social welfare of Illinois
20 residents, except government agencies or intervenors
21 specifically authorized by Illinois law to participate
22 in Commission proceedings on behalf of Illinois
23 consumers.

24 (3) A consumer interest representative is eligible to
25 receive compensation from the consumer intervenor
26 compensation fund if its participation included lay or

1 expert testimony or legal briefing and argument concerning
2 the expenses, investments, rate design, rate impact, or
3 other matters affecting the pricing, rates, costs or other
4 charges associated with utility service, the Commission
5 adopts a material recommendation related to a significant
6 issue in the docket, and participation caused a
7 significant financial hardship to the participant;
8 however, no consumer interest representative shall be
9 eligible to receive an award pursuant to this Section if
10 the consumer interest representative receives any
11 compensation, funding, or donations, directly or
12 indirectly, from parties that have a financial interest in
13 the outcome of the proceeding.

14 (4) Within 30 days after the effective date of this
15 amendatory Act of the 102nd General Assembly, each utility
16 that files a request for an increase in rates under
17 Article IX or Article XVI shall deposit an amount equal to
18 one half of the rate case attorney and expert expense
19 allowed by the Commission, but not to exceed \$500,000,
20 into the fund within 35 days of the date of the
21 Commission's final Order in the rate case or 20 days after
22 the denial of rehearing under Section 10-113 of this Act,
23 whichever is later. The Consumer Intervenor Compensation
24 Fund shall be used to provide payment to consumer interest
25 representatives as described in this Section.

26 (5) An electric public utility with 3,000,000 or more

1 retail customers shall contribute \$450,000 to the Consumer
2 Intervenor Compensation Fund within 60 days after the
3 effective date of this amendatory Act of the 102nd General
4 Assembly. A combined electric and gas public utility
5 servng fewer than 3,000,000 but more than 500,000 retail
6 customers shall contribute \$225,000 to the Consumer
7 Intervenor Compensation Fund within 60 days after the
8 effective date of this amendatory Act of the 102nd General
9 Assembly. A gas public utility with 1,500,000 or more
10 retail customers that is not a combined electric and gas
11 public utility shall contribute \$225,000 to the Consumer
12 Intervenor Compensation Fund within 60 days after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly. A gas public utility with fewer than 1,500,000
15 retail customers but more than 300,000 retail customers
16 that is not a combined electric and gas public utility
17 shall contribute \$80,000 to the Consumer Intervenor
18 Compensation Fund within 60 days after the effective date
19 of this amendatory Act of the 102nd General Assembly. A
20 gas public utility with fewer than 300,000 retail
21 customers that is not a combined electric and gas public
22 utility shall contribute \$20,000 to the Consumer
23 Intervenor Compensation Fund within 60 days after the
24 effective date of this amendatory Act of the 102nd General
25 Assembly. A combined electric and gas public utility
26 servng fewer than 500,000 retail customers shall

1 contribute \$20,000 to the Consumer Intervenor Compensation
2 Fund within 60 days after the effective date of this
3 amendatory Act of the 102nd General Assembly. A water or
4 sewer public utility serving more than 100,000 retail
5 customers shall contribute \$80,000, and a water or sewer
6 public utility serving fewer than 100,000 but more than
7 10,000 retail customers shall contribute \$20,000.

8 (6) (A) Prior to the entry of a Final Order in a
9 docketed case, the Commission Administrator shall provide
10 a payment to a consumer interest representative that
11 demonstrates through a verified application for funding
12 that the consumer interest representative's participation
13 or intervention without an award of fees or costs imposes
14 a significant financial hardship based on a schedule to be
15 developed by the Commission. The Administrator may require
16 verification of costs incurred, including statements of
17 hours spent, as a condition to paying the consumer
18 interest representative prior to the entry of a Final
19 Order in a docketed case.

20 (B) If the Commission adopts a material recommendation
21 related to a significant issue in the docket and
22 participation caused a financial hardship to the
23 participant, then the consumer interest representative
24 shall be allowed payment for some or all of the consumer
25 interest representative's reasonable attorney's or
26 advocate's fees, reasonable expert witness fees, and other

1 reasonable costs of preparation for and participation in a
2 hearing or proceeding. Expenses related to travel or meals
3 shall not be compensable.

4 (C) The consumer interest representative shall submit
5 an itemized request for compensation to the Consumer
6 Intervenor Compensation Fund, including the advocate's or
7 attorney's reasonable fee rate, the number of hours
8 expended, reasonable expert and expert witness fees, and
9 other reasonable costs for the preparation for and
10 participation in the hearing and briefing within 30 days
11 of the Commission's final order after denial or decision
12 on rehearing, if any.

13 (7) Administration of the Fund.

14 (A) The Consumer Intervenor Compensation Fund is
15 created as a special fund in the State treasury. All
16 disbursements from the Consumer Intervenor Compensation
17 Fund shall be made only upon warrants of the Comptroller
18 drawn upon the Treasurer as custodian of the Fund upon
19 vouchers signed by the Executive Director of the
20 Commission or by the person or persons designated by the
21 Director for that purpose. The Comptroller is authorized
22 to draw the warrant upon vouchers so signed. The Treasurer
23 shall accept all warrants so signed and shall be released
24 from liability for all payments made on those warrants.
25 The Consumer Intervenor Compensation Fund shall be
26 administered by an Administrator that is a person or

1 entity that is independent of the Commission. The
2 administrator will be responsible for the prudent
3 management of the Consumer Intervenor Compensation Fund
4 and for recommendations for the award of consumer
5 intervenor compensation from the Consumer Intervenor
6 Compensation Fund. The Commission shall issue a request
7 for qualifications for a third-party program administrator
8 to administer the Consumer Intervenor Compensation Fund.
9 The third-party administrator shall be chosen through a
10 competitive bid process based on selection criteria and
11 requirements developed by the Commission. The Illinois
12 Procurement Code does not apply to the hiring or payment
13 of the Administrator. All Administrator costs may be paid
14 for using monies from the Consumer Intervenor Compensation
15 Fund, but the Program Administrator shall strive to
16 minimize costs in the implementation of the program.

17 (B) The computation of compensation awarded from the
18 fund shall take into consideration the market rates paid
19 to persons of comparable training and experience who offer
20 similar services, but may not exceed the comparable market
21 rate for services paid by the public utility as part of its
22 rate case expense.

23 (C) (1) Recommendations on the award of compensation by
24 the administrator shall include consideration of whether
25 the Commission adopted a material recommendation related
26 to a significant issue in the docket and whether

1 participation caused a financial hardship to the
2 participant and the payment of compensation is fair, just
3 and reasonable.

4 (2) Recommendations on the award of compensation by
5 the administrator shall be submitted to the Commission for
6 approval. Unless the Commission initiates an investigation
7 within 45 days after the notice to the Commission, the
8 award of compensation shall be allowed 45 days after
9 notice to the Commission. Such notice shall be given by
10 filing with the Commission on the Commission's e-docket
11 system, and keeping open for public inspection the award
12 for compensation proposed by the Administrator. The
13 Commission shall have power, and it is hereby given
14 authority, either upon complaint or upon its own
15 initiative without complaint, at once, and if it so
16 orders, without answer or other formal pleadings, but upon
17 reasonable notice, to enter upon a hearing concerning the
18 propriety of the award.

19 (c) The Commission may adopt rules to implement this
20 Section.

21 (Source: P.A. 96-33, eff. 7-10-09.)

22 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

23 Sec. 9-241. No public utility shall, as to rates or other
24 charges, services, facilities or in other respect, make or
25 grant any preference or advantage to any corporation or person

1 or subject any corporation or person to any prejudice or
2 disadvantage. No public utility shall establish or maintain
3 any unreasonable difference as to rates or other charges,
4 services, facilities, or in any other respect, either as
5 between localities or as between classes of service.

6 However, nothing in this Section shall be construed as
7 limiting the authority of the Commission to permit the
8 establishment of economic development rates as incentives to
9 economic development either in enterprise zones as designated
10 by the State of Illinois or in other areas of a utility's
11 service area. Such rates should be available to existing
12 businesses which demonstrate an increase to existing load as
13 well as new businesses which create new load for a utility so
14 as to create a more balanced utilization of generating
15 capacity. The Commission shall ensure that such rates are
16 established at a level which provides a net benefit to
17 customers within a public utility's service area.

18 On or before January 1, 2023, the Commission shall conduct
19 a comprehensive study to assess whether low-income discount
20 rates for electric and natural gas residential customers are
21 appropriate and the potential design and implementation of any
22 such rates. The Commission shall include its findings,
23 together with the appropriate recommendations, in a report to
24 be provided to the General Assembly. Upon completion of the
25 study, the Commission shall have the authority to permit or
26 require electric and natural gas utilities to file a tariff

1 establishing low-income discount rates.

2 Such study shall assess, at a minimum, the following:

3 (1) customer eligibility requirements, including
4 income-based eligibility and eligibility based on
5 participation in or eligibility for certain public
6 assistance programs;

7 (2) appropriate rate structures, including
8 consideration of tiered discounts for different income
9 levels;

10 (3) appropriate recovery mechanisms, including the
11 consideration of volumetric charges and customer charges;

12 (4) appropriate verification mechanisms;

13 (5) measures to ensure customer confidentiality and
14 data safeguards;

15 (6) outreach and consumer education procedures; and

16 (7) the impact that a low-income discount rate would
17 have on the affordability of delivery service to
18 low-income customers and customers overall.

19 The Commission shall adopt rules requiring utility
20 companies to produce information, in the form of a mailing,
21 and other approved methods of distribution, to its consumers,
22 to inform the consumers of available rebates, discounts,
23 credits, and other cost-saving mechanisms that can help them
24 lower their monthly utility bills, and send out such
25 information semi-annually, unless otherwise provided by this
26 Article.

1 Prior to October 1, 1989, no public utility providing
2 electrical or gas service shall consider the use of solar or
3 other nonconventional renewable sources of energy by a
4 customer as a basis for establishing higher rates or charges
5 for any service or commodity sold to such customer; nor shall a
6 public utility subject any customer utilizing such energy
7 source or sources to any other prejudice or disadvantage on
8 account of such use. No public utility shall without the
9 consent of the Commission, charge or receive any greater
10 compensation in the aggregate for a lesser commodity, product,
11 or service than for a greater commodity, product or service of
12 like character.

13 The Commission, in order to expedite the determination of
14 rate questions, or to avoid unnecessary and unreasonable
15 expense, or to avoid unjust or unreasonable discrimination
16 between classes of customers, or, whenever in the judgment of
17 the Commission public interest so requires, may, for rate
18 making and accounting purposes, or either of them, consider
19 one or more municipalities either with or without the adjacent
20 or intervening rural territory as a regional unit where the
21 same public utility serves such region under substantially
22 similar conditions, and may within such region prescribe
23 uniform rates for consumers or patrons of the same class.

24 Any public utility, with the consent and approval of the
25 Commission, may as a basis for the determination of the
26 charges made by it classify its service according to the

1 amount used, the time when used, the purpose for which used,
2 and other relevant factors.

3 (Source: P.A. 91-357, eff. 7-29-99.)

4 (220 ILCS 5/16-105.5 new)

5 Sec. 16-105.5. Rate case filing and revenue-neutral rate
6 design.

7 (a) An electric utility that files a general rate case
8 pursuant to Section 9-201 of this Act or a Multi-Year Rate Plan
9 pursuant to Section 16-108.18 of this Act may omit the rate
10 design component of such filing and subsequently separately
11 file this component with the Commission, subject to the
12 requirements of subsections (b) and (c) of this Section.

13 (b) If the electric utility makes the election described
14 in this Section, then the filing shall be consistent with the
15 rate design and cost allocation across customer classes
16 approved in the Commission's most recent order regarding the
17 electric utility's request for a general adjustment to its
18 rates entered under Section 9-201, subsection (e) of Section
19 16-108.5, or Section 16-108.18 of this Act, as applicable.

20 (c) If the electric utility makes the election described
21 in this Section, then the following provisions apply to the
22 separate filing of the revenue-neutral rate design component:

23 (1) No later than one year after the tariffs
24 implementing the general rate case filing or Multi-year
25 Rate Plan filing, as described in subsection (b) of this

1 Section, are placed into effect, the electric utility
2 shall make a filing with the Commission that proposes
3 changes to the tariffs to incorporate the findings of any
4 final rate design orders of the Commission applicable to
5 the electric utility and entered subsequent to the
6 Commission's approval of the tariffs. If no such orders
7 have been entered, then the electric utility must submit
8 its separate revenue-neutral rate design filing no later
9 than 3 years after the date on which the Commission's most
10 recent final rate design order was entered for the
11 electric utility. The electric utility's separate
12 revenue-neutral rate design filing may either propose
13 revenue-neutral tariff changes or refile the existing
14 tariffs without change, which shall present the Commission
15 with an opportunity to suspend the tariffs and consider
16 revenue-neutral tariff changes related to rate design. The
17 Commission shall, after notice and hearing, enter its
18 order approving, or approving with modification, the
19 proposed changes to the tariffs within 240 days after the
20 electric utility's filing. Any changes ordered by the
21 Commission shall become effective at the commencement of
22 the first January monthly billing period that begins no
23 earlier than 30 days after the Commission issues its order
24 adopting such changes.

25 (2) Following Commission approval under paragraph (1)
26 of this subsection (c), the electric utility shall make a

1 filing with the Commission during each subsequent 3-year
2 period that either proposes revenue-neutral tariff changes
3 or refiles the existing tariffs without change, which
4 shall present the Commission with an opportunity to
5 suspend the tariffs and consider revenue-neutral tariff
6 changes related to rate design. The requirements of this
7 paragraph (2) shall terminate at the time that the
8 electric utility files a general rate case or Multi-Year
9 Rate Plan that includes the rate design component.

10 (220 ILCS 5/16-105.6 new)

11 Sec. 16-105.6. Amortization of charges or credits.

12 (a) It is in the public interest to mitigate the customer
13 bill impacts of large expenses incurred by electric utilities
14 by directing that expenses exceeding the applicable threshold
15 specified in this Section be amortized over the prescribed
16 period. Such amortization will levelize customer bill impacts
17 and, in many instances, better align the period of cost
18 recovery with the period over which customers receive the
19 benefit of the expenditure. Accordingly, an electric utility
20 that files a general rate increase under Section 9-201 of this
21 Act or a Multi-Year Rate Plan under Section 16-108.18 of this
22 Act shall amortize, over a 5-year period, each charge or
23 credit that exceeds the applicable amount identified in
24 subsection (b) of this Section and that relates to (1) a
25 workforce reduction program's severance costs; (2) changes in

1 accounting rules; (3) changes in law; (4) compliance with any
2 Commission-initiated audit; and (5) a single storm or weather
3 system, or other similar expense.

4 Any unamortized balance shall be reflected in rate base.

5 In this Section, "changes in law" includes any enactment,
6 repeal, or amendment in a law, ordinance, rule, regulation,
7 interpretation, permit, license, consent, or order, including
8 those relating to taxes, accounting, or environmental matters,
9 or in the interpretation or application thereof by any
10 governmental authority occurring after the effective date of
11 this amendatory Act of the 102nd General Assembly.

12 Nothing in this Section is intended to prohibit the
13 Commission from reviewing the prudence and reasonableness of
14 the costs amortized pursuant to this Section.

15 (b) An electric utility that serves more than 3,000,000
16 customers in the State shall amortize the full amount of each
17 charge or credit described in subsection (a) of this Section
18 that exceeds \$10,000,000 in the applicable calendar year, and
19 an electric utility that serves less than 3,000,000 customers
20 in the State shall amortize the full amount of each such charge
21 or credit that exceeds \$3,700,000 in the applicable calendar
22 year.

23 (220 ILCS 5/16-105.7 new)

24 Sec. 16-105.7. Revenue balancing adjustments.

25 (a) It is in the public interest to decouple electric

1 utility sales and revenues, to mitigate the impact on
2 utilities of energy savings goals, to mitigate a utility's
3 disincentive to promote energy efficiency, and to recognize
4 changes in sales attributable to weather, electric vehicles
5 and other electrification, adoption of distributed energy
6 resources, and other volatile or uncontrollable factors
7 without adversely affecting utility customers.

8 (b) For the purposes of this Section, "reconciliation
9 period" means a period beginning with the January monthly
10 billing period and extending through the December monthly
11 billing period of the same calendar year.

12 (c) As set forth in subsection (d) of this Section, the
13 Commission shall approve a tariff by which distribution
14 revenues shall be compared annually to the revenue requirement
15 or requirements approved by the Commission on which the rates
16 giving rise to those revenues were based to prevent
17 undercollections or overcollections. An electric utility shall
18 submit an annual revenue balancing reconciliation report to
19 the Commission reflecting the difference between the actual
20 delivery service revenue and multi-year rate case revenue
21 requirement for the applicable reconciliation and identifying
22 the charges or credits to be applied thereafter. Such
23 reconciliation and calculation of associated charges or
24 credits shall be conducted on a customer class basis. The
25 annual revenue balancing reconciliation report shall be filed
26 with the Commission no later than March 20 of the year

1 following a reconciliation period. The Commission may initiate
2 a review of the revenue balancing reconciliation report each
3 year to determine if any subsequent adjustment is necessary to
4 align actual delivery service revenue and rate case revenue
5 requirement. If the Commission elects to initiate such review,
6 the Commission shall, after notice and hearing, enter an order
7 approving, or approving as modified, such revenue balancing
8 reconciliation report no later than 120 days after the utility
9 files its report with the Commission. If the Commission does
10 not initiate such a review, the revenue balancing
11 reconciliation report and the identified charges or credits
12 shall be deemed accepted and approved 120 days after the
13 utility files the report and shall not be subject to review in
14 any other proceeding. Any balancing adjustment shall take
15 effect during the following January monthly billing period.

16 (d) Each electric utility shall file a tariff in
17 compliance with the provisions of this Section within 120 days
18 after the effective date of this amendatory Act of the 102nd
19 General Assembly. The Commission shall approve the tariff if
20 it finds that it is consistent with the provisions of the
21 Section. If the Commission does not so find, it shall approve
22 the tariff with modification to conform it to the requirements
23 of this Section or otherwise reject the tariff and explain how
24 the utility can modify the tariff and refile to comply with the
25 requirements of this Section.

1 (220 ILCS 5/16-105.10 new)

2 Sec. 16-105.10. Independent baseline assessment.

3 (a) Prior to the filing of the initial Multi-Year
4 Integrated Grid Plan described in Section 16-105.17 of this
5 Act, the General Assembly finds that an independent audit of
6 the current state of the grid, and of the expenditures made
7 since 2012, will need to be made.

8 Specifically, the General Assembly finds:

9 (1) Pursuant to the Energy Infrastructure
10 Modernization Act and subsequent clarifying legislation,
11 electric utilities in this State that serve over 300,000
12 retail customers have made substantial investments in the
13 grid and advanced metering infrastructure.

14 (2) Before a Multi-Year Integrated Grid Plan is filed
15 under Section 16-105.17, it is necessary to understand the
16 benefits of these investments to the grid and to customers
17 and to evaluate the current condition of the distribution
18 grid.

19 (3) It is also necessary for electric utilities, the
20 Commission, and stakeholders to have an independently
21 verified set of data to establish the baseline for future
22 distribution grid spending.

23 (4) The Commission has authority to order and
24 implement the requirements of this Section under Section
25 8-102 of this Act.

26 (b) Terms used in this Section have the meanings given to

1 those terms in Sections 16-102, 16-107.6, and 16-108 of this
2 Act.

3 (c) Within 30 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, the Commission
5 shall issue an order initiating an audit of each electric
6 utility serving over 300,000 retail customers in the State,
7 which shall examine the following:

8 (1) An assessment of the distribution grid, as
9 described in paragraph (2) of subsection (a) of this
10 Section. The Commission shall have the authority to
11 require additional items which it deems necessary.

12 (2) An analysis of the utility's capital projects
13 placed into service in the preceding 9 years, including,
14 but not limited to, assessing the value of deploying
15 advanced metering infrastructure to modernize and optimize
16 the grid and deliver value to customers.

17 (3) An analysis of the utility's initiatives to
18 optimize the reliability and resiliency of the grid, other
19 than through capital spending.

20 (4) Creation of a data baseline to inform the
21 beginning of the multi-year integrated grid planning
22 process described in Section 16-105.17 of this Act.

23 (5) Identification of any deficiencies in data which
24 may impact the planning process.

25 (d) It is contemplated that the auditor will utilize
26 materials filed with the Commission by the utilities with

1 respect to their expenditures in the preceding 9 years;
2 however, the auditor may also, with Commission approval,
3 assess other information deemed necessary to make its report.

4 (e) The results of the audit described in this Section
5 shall be reflected in a report delivered to the Commission,
6 describing the information specified in this Section. Such
7 report is to be delivered no later than 180 days after the
8 Commission enters its order pursuant to subsection (c) of this
9 Section. It is understood that any public report may not
10 contain items that are confidential or proprietary.

11 (f) The costs of an electric utility's audit described in
12 this Section shall not exceed \$500,000 and shall be paid for by
13 the electric utility that is the subject of the audit. Such
14 costs shall be a recoverable expense.

15 (g) The Commission shall have the authority to retain the
16 services of an auditor to assist with the distribution
17 planning process, as well as in docketed proceedings. Such
18 expenses for these activities shall also be borne by the
19 Commission.

20 (220 ILCS 5/16-105.17 new)

21 Sec. 16-105.17. Multi-Year Integrated Grid Plan.

22 (a) The General Assembly finds that ensuring alignment of
23 regulated utility operations, expenditures, and investments
24 with public benefit goals, including safety, reliability,
25 resiliency, affordability, equity, emissions reductions, and

1 expansion of clean distributed energy resources, is critical
2 to maximizing the benefits of the interconnected utility grid
3 and cost-effective utility expenditures on the grid. It is the
4 policy of the State to promote inclusive, comprehensive,
5 transparent, cost-effective distribution system planning and
6 disclosures processes that minimize long-term costs for
7 Illinois customers and support the achievement of State
8 renewable energy development and other clean energy, public
9 health, and environmental policy goals. Utility distribution
10 system expenditures, programs, investments, and policies must
11 be evaluated in coordination with these goals. In particular,
12 the General Assembly finds that:

13 (1) Investment in infrastructure to support and enable
14 existing and new distributed energy resources creates
15 significant economic development, environmental, and
16 public health benefits in the State.

17 (2) Illinois' electricity distribution system must
18 cost-effectively integrate renewable energy resources,
19 including utility-scale renewable energy resources,
20 community renewable generation, and distributed renewable
21 energy resources, support beneficial electrification,
22 including electric vehicle use and adoption, promote
23 opportunities for third-party investment in
24 nontraditional, grid-related technologies and resources
25 such as batteries, solar photovoltaic panels, and smart
26 thermostats, reduce energy usage generally and especially

1 during times of greatest reliance on fossil fuels, and
2 enhance customer engagement opportunities.

3 (3) Inclusive distribution system planning is an
4 essential tool for the Commission, public utilities, and
5 stakeholders to effectively coordinate environmental,
6 consumer, reliability, and equity goals at fair and
7 reasonable costs, and for ensuring transparent utility
8 accountability for meeting those goals.

9 (4) Any planning process should advance Illinois
10 energy policy goals while ensuring utility investments are
11 cost-effective. Such a process should maximize the sharing
12 of information, minimize overlap with existing filing
13 requirements to ensure robust stakeholder participation,
14 and recognize the responsibility of the utility to manage
15 the grid in a safe, reliable manner.

16 (5) The General Assembly is concerned that, in the
17 absence of a transparent, meaningful distribution system
18 planning process, utility investments may not always serve
19 customers' best interests, appropriately promote the
20 expansion of clean distributed energy resources, and
21 advance equity and environmental justice.

22 (6) The General Assembly is also encouraged by the
23 opportunities presented by nontraditional solutions to
24 utility, customer, and grid needs that may be more
25 efficient and cost-effective, and less environmentally
26 harmful than traditional solutions. Nontraditional

1 solutions include distributed energy resources owned or
2 implemented by customers and independent third parties,
3 controllable load, beneficial electrification, or rate
4 design that encourages efficient energy use.

5 (7) The General Assembly finds that Illinois
6 utilities' current processes for planning their
7 distribution system should be made more accessible and
8 transparent to individuals and communities, and that more
9 inclusive and accessible distribution system planning
10 processes would be in the interests of all Illinois
11 residents.

12 (8) The General Assembly finds it would be beneficial
13 to require utilities to demonstrate how their spending
14 promotes identified State clean energy goals, such as
15 integrating renewable energy, empowering customers to make
16 informed choices, supporting electric vehicles, beneficial
17 electrification, and energy storage, achieving equity
18 goals, enhancing resilience, and maintaining reliability.

19 The General Assembly therefore directs the utilities to
20 implement distribution system planning as described in this
21 Section in order to accelerate progress on Illinois clean
22 energy and environmental goals and hold electric utilities
23 publicly accountable for their performance.

24 (b) Unless otherwise specified, the terms used in this
25 Section shall have the same meanings as defined in Sections
26 16-102 and 16-107.6. As used in this Section:

1 "Demand response" means measures that decrease peak
2 electricity demand or shift demand from peak to off-peak
3 periods.

4 "Distributed energy resources" or "DER" means a wide range
5 of technologies that are connected to the grid, including
6 those that are located on the customer side of the customer's
7 electric meter and can provide value to the distribution
8 system, including, but not limited to, distributed generation,
9 energy storage, electric vehicles, and demand response
10 technologies.

11 "Environmental justice communities" means the definition
12 of that term based on existing methodologies and findings,
13 used and as may be updated by the Illinois Power Agency and its
14 Program Administrator in the Illinois Solar for All Program.

15 (c) This Section applies to electric utilities serving
16 more than 500,000 retail customers in the State.

17 (d) The Multi-Year Integrated Grid Plan ("the Plan") shall
18 be designed to:

19 (1) ensure coordination of the State's renewable
20 energy goals, climate and environmental goals with the
21 utility's distribution system investments, and programs
22 and policies over a 5-year planning horizon to maximize
23 the benefits of each while ensuring utility expenditures
24 are cost-effective;

25 (2) optimize utilization of electricity grid assets
26 and resources to minimize total system costs;

1 (3) support efforts to bring the benefits of grid
2 modernization and clean energy, including, but not limited
3 to, deployment of distributed energy resources, to all
4 retail customers, and support efforts to bring at least
5 40% of the benefits of those benefits to Equity Investment
6 Eligible Communities. Nothing in this paragraph is meant
7 to require a specific amount of spending in a particular
8 geographic area;

9 (4) enable greater customer engagement, empowerment,
10 and options for energy services;

11 (5) reduce grid congestion, minimize the time and
12 expense associated with interconnection, and increase the
13 capacity of the distribution grid to host increasing
14 levels of distributed energy resources, to facilitate
15 availability and development of distributed energy
16 resources, particularly in locations that enhance consumer
17 and environmental benefits;

18 (6) ensure opportunities for robust public
19 participation through open, transparent planning
20 processes.

21 (7) provide for the analysis of the cost-effectiveness
22 of proposed system investments, which takes into account
23 environmental costs and benefits;

24 (8) to the maximum extent practicable, achieve or
25 support the achievement of Illinois environmental goals,
26 including those described in Section 9.10 of the

1 Environmental Protection Act and Section 1-75 of the
2 Illinois Power Agency Act, and emissions reductions
3 required to improve the health, safety, and prosperity of
4 all Illinois residents;

5 (9) support existing Illinois policy goals promoting
6 the long-term growth of energy efficiency, demand
7 response, and investments in renewable energy resources;

8 (10) provide sufficient public information to the
9 Commission, stakeholders, and market participants in order
10 to enable nonemitting customer-owned or third-party
11 distributed energy resources, acting individually or in
12 aggregate, to seamlessly and easily connect to the grid,
13 provide grid benefits, support grid services, and achieve
14 environmental outcomes, without necessarily requiring
15 utility ownership or controlling interest over those
16 resources, and enable those resources to act as
17 alternatives to utility capital investments; and

18 (11) provide delivery services at rates that are
19 affordable to all customers, including low-income
20 customers.

21 (e) Plan Development Stakeholder Process.

22 (1) To promote the transparency of utility
23 distributions system planned investments and the planning
24 process for those investments, the Commission shall
25 convene a workshop process, over a period of no less than 5
26 months, for each such utility for the purpose of

1 establishing an open, inclusive, and cooperative forum
2 regarding such investments. The workshops shall be
3 facilitated by an independent, third-party facilitator
4 selected by the Commission. Data and projections provided
5 through the workshop process shall be designed to provide
6 participants with information about the electric utility's
7 (i) historic distribution system investments for at least
8 the 5 years prior to the year in which the workshop is held
9 and (ii) planned investments for the 5-year period
10 following the year in which the workshop is held. The
11 workshop process shall recognize that estimates for later
12 years will be less reliable and indicative of future
13 conduct than estimates for earlier years and that the
14 electric utility is subject to financial and system
15 planning processes. No later than January 1, 2022, the
16 facilitator shall initiate a series of workshops for each
17 electric utility subject to this Section. The series of
18 workshops shall include no fewer than 6 workshops and
19 shall conclude no later than June 1, 2022.

20 (2) The workshops shall be designed to achieve the
21 following objectives:

22 (A) review utilities' planned capital investments
23 and supporting data;

24 (B) review how utilities plan to invest in their
25 distribution system in order to meet the system's
26 projected needs;

1 (C) review system and locational data on
2 reliability, resiliency, DER, and service quality
3 provided by the utilities;

4 (D) solicit and consider input from diverse
5 stakeholders, including representatives from
6 environmental justice communities, geographically
7 diverse communities, low-income representatives,
8 consumer representatives, environmental
9 representatives, organized labor representatives,
10 third-party technology providers, and utilities;

11 (E) consider proposals from utilities and
12 stakeholders on programs and policies necessary to
13 achieve the objectives in subsection (d) of this
14 Section;

15 (F) consider proposals applicable to each
16 component of the utilities' Multi-Year Integrated Grid
17 Plan filings under paragraph (2) of subsection (f) of
18 this Section;

19 (G) educate and equip interested stakeholders so
20 that they can effectively and efficiently provide
21 feedback and input to the electric utility; and

22 (H) review planned capital investment to ensure
23 that delivery services are provided at rates that are
24 affordable to all customers, including low-income
25 customers.

26 (3) To the extent any of the information in

1 subparagraphs (A) through (H) of paragraph (2) of this
2 subsection is designated as confidential and proprietary
3 under the Commission's rules, the proponent of the
4 designation shall have the burden of making the requisite
5 showing under the Commission's rules. For data that is
6 determined to be confidential or that includes personally
7 identifiable information, the Commission may develop
8 procedures and processes to enable data sharing with
9 parties and stakeholders while ensuring the
10 confidentiality of the information.

11 (4) Workshops should be organized and facilitated in a
12 manner that encourages representation from diverse
13 stakeholders, ensuring equitable opportunities for
14 participation, without requiring formal intervention or
15 representation by an attorney. Workshops should be held
16 during both day and evening hours, in a variety of
17 locations within each electric utility's service
18 territory, and should allow remote participation.

19 (5) It is a goal of the State that this workshop
20 process will provide a forum for interested stakeholders
21 to effectively and efficiently provide feedback and input
22 to the electric utility. It is also a goal of the State
23 that stakeholder participation in this process will
24 prepare stakeholders to more capably participate in
25 Multi-Year Rate Plan proceedings conducted pursuant to
26 Section 16-108.18 of this Act, if they so elect. As part of

1 the workshop process, the electric utility shall submit to
2 the Commission the electric utility's capital investments
3 proposal, and supporting data described in subparagraphs
4 (A) through (C) of paragraph (2) of this subsection (e)
5 before the start of workshops to allow interested
6 stakeholders to reasonably review data before attending
7 workshops. The Commission shall make public the utility
8 capital investments proposal by posting it on the
9 Commission's website and set the location and time of any
10 workshop to be held as part of the workshop process, and
11 establish a data request process, consistent with the
12 Commission's rules, that affords workshop participants
13 opportunities to submit data requests to the utility, and
14 receive responses in accordance with the utility's
15 obligations under the law, prior to the workshop,
16 regarding the information described in this paragraph (5).
17 Upon the written request of a workshop participant, the
18 utility shall also present at a given workshop at least
19 one appropriate company representative who can address the
20 specific written questions or written categories of
21 questions identified in advance by the workshop
22 participant regarding issues related to the utility's
23 Multi-Year Integrated Grid Plan. To facilitate public
24 feedback, the administrator facilitating the workshops
25 shall, throughout the workshop process, develop questions
26 for stakeholder input on topics being considered. This may

1 include, but is not limited to: design of the workshop
2 process, locational data and information provided by
3 utilities, alignment of plans, programs, investments and
4 objectives, and other topics as deemed appropriate by the
5 Commission facilitation staff. Stakeholder feedback shall
6 not be limited to these questions. The information
7 provided as part of the workshop process pursuant to this
8 subsection (e) is intended to be informational and to
9 provide a preliminary view of costs and investments, which
10 may change. Accordingly, the information provided pursuant
11 to this subsection (e) shall not be binding on the utility
12 and shall not be the sole basis for a finding in any
13 Commission proceeding of imprudence, unreasonableness, or
14 lack of use or usefulness of any individual or aggregate
15 level of utility plant or other investment or expenditure
16 addressed; however, information contained in the plan may
17 be used in a proceeding before the Commission, with weight
18 of such evidence to be determined by the Commission.

19 (6) Workshops shall not be considered settlement
20 negotiations, compromise negotiations, or offers to
21 compromise for the purposes of Illinois Rule of Evidence
22 408. All materials shared as a part of the workshop
23 process, and that are not determined to be confidential as
24 described in paragraph (3) of this subsection (e), shall
25 be made publicly available on a website made available by
26 the Commission.

1 (7) On conclusion of the workshops, the Commission
2 shall open a comment period that allows interested and
3 diverse stakeholders to submit comments and
4 recommendations regarding the utility's Multi-Year
5 Integrated Grid Plan filing. Based on the workshop process
6 and stakeholder comments and recommendations offered
7 verbally or in writing during the workshops and in writing
8 during the comment period following the workshops, the
9 independent third-party facilitator shall prepare a
10 report, to be submitted to the Commission no later than
11 July 1, 2022, describing the stakeholders, discussions,
12 proposals, and areas of consensus and disagreement from
13 the workshop process, and making recommendations to the
14 Commission regarding the utility's Multi-Year Integrated
15 Grid Plan. Interested stakeholders shall have an
16 opportunity to provide comment on the independent
17 third-party facilitator report.

18 (8) Based on discussions in the workshops, the
19 independent third-party facilitator report, and
20 stakeholder comments and recommendations made during and
21 following the workshop process, the Commission shall issue
22 initiating orders no later than August 1, 2022, requiring
23 the electric utilities subject to this Section to file the
24 first Multi-Year Integrated Grid Plan no later than
25 January 20, 2023. The initiating orders shall specify the
26 requirements applicable to the utilities' Multi-Year

1 Integrated Grid Plans, which shall supplement and not
2 replace those requirements described in subsection (f) of
3 this Section.

4 (f) Multi-Year Integrated Grid Plan.

5 (1) Pursuant to this subsection (f) and the initiating
6 orders of the Commission, each electric utility subject to
7 this Section shall, no later than January 20, 2023, submit
8 its first Multi-Year Integrated Grid Plan. No later than
9 January 20, 2026, and every 4 years thereafter, the
10 utility shall submit its subsequent Plan. Each Plan shall:

11 (A) incorporate requirements established by the
12 Commission in its initiating order; and

13 (B) propose distribution system investment
14 programs, policies, and plans designed to optimize
15 achievement of the objectives set forth in subsection
16 (d) of this Section and achieve the metrics approved
17 by the Commission pursuant to Section 16-108.18 of
18 this Act.

19 To the extent practicable and reasonable, all
20 programs, policies, and initiatives proposed by the
21 utility in its plan should be informed by stakeholder
22 input received during the workshop process pursuant to
23 subsection (e) of this Section. Where specific stakeholder
24 input has not been incorporated in proposed programs,
25 policies, and plans, the electric utility shall provide an
26 explanation as to why that input was not incorporated.

1 (2) In order to ensure electric utilities' ability to
2 meet the goals and objectives set forth in this Section,
3 the Multi-Year Integrated Grid Plans must include, at
4 minimum, the following information:

5 (A) A description of the utility's distribution
6 system planning process, including:

7 (i) the overview of the process, including
8 frequency and duration of the process, roles, and
9 responsibilities of utility personnel and
10 departments involved;

11 (ii) a summary of the meetings with
12 stakeholders conducted prior to filing of the plan
13 with the Commission.

14 (iii) the description of any coordination of
15 the processes with any other planning process
16 internal or external to the utility, including
17 those required by a regional transmission
18 operator.

19 (B) A detailed description of the current
20 operating conditions for the distribution system
21 separately presented for each of the utility's
22 operating areas, where possible, including a detailed
23 description, with supporting data, of system
24 conditions, including baseline data regarding the
25 utility's distribution system from the utility's
26 annual report to the Commission, total distribution

1 system substation capacity in kVa, total miles of
2 primary overhead distribution wire, and total miles of
3 primary underground distribution cable, distributed
4 energy resource deployment by type, size, customer
5 class, and geographic dispersion as to those DERs that
6 have completed the interconnection process, the most
7 current distribution line loss study, current and
8 expected System Average Interruption Frequency Index
9 and Customer Average Interruption Duration Index data
10 for the system, identification of the system model
11 software currently used and planned software
12 deployments, and other data needs as requested by the
13 Commission or as determined through Commission rules.
14 The description shall also include the utility's most
15 recent system load and peak demand forecast for at
16 least the next 5 years, and up to 10 years if
17 available, a discussion of how the forecast was
18 prepared and how distributed energy resources and
19 energy efficiency were factored into the forecast, and
20 identification of the forecasting software currently
21 used and planned software deployments.

22 (C) Financial Data.

23 (i) For each of the preceding 5 years, the
24 utility's distribution system investments by the
25 investment categories tracked by the utility,
26 including, but not limited to, new business,

1 facility relocation, capacity expansion, system
2 performance, preventive maintenance, corrective
3 maintenance, the total amount of investments
4 associated with the integration of DERs, the total
5 amount of charges to DER developers and retail
6 customers for interconnection of DERs to the
7 distribution system, and a list of each major
8 investment category the utility used to maintain
9 its routine standing operational activities and
10 the associated plant in service amount for each
11 category in which the plant in service amount is
12 at least \$2,000,000;

13 (ii) For each of the preceding 5 years, data
14 on and a discussion of the utility's distribution
15 system operation and maintenance expenses;

16 (iii) A 5-year long-range forecast of
17 distribution system capital investments and
18 operational and maintenance expenses, including a
19 discussion of any projections for expenses for the
20 categories listed in subparagraph (i) of this item
21 (C).

22 (D) System data on DERs on the utility's
23 distribution system, including the total number and
24 nameplate capacity of DERs that completed
25 interconnection in the prior year, current DER
26 deployment by type, size, and geographic dispersion,

1 to the extent that granular geographic information
2 does not disclose personally identifiable information,
3 and other data as requested by the Commission or
4 determined by Commission rules.

5 (E) Hosting Capacity and Interconnection
6 Requirements.

7 (i) The utility shall make available on its
8 website the hosting capacity analysis results that
9 shall include mapping and GIS capability, as well
10 as any other requirements requested by the
11 Commission or determined through Commission rules.
12 The plan shall identify where the hosting capacity
13 analysis results shall be made publicly available.
14 This shall also include an assessment of the
15 impact of utility investments over the next 5
16 years on hosting capacity and a narrative
17 discussion of how the hosting capacity analysis
18 advances customer-sited distributed energy
19 resources, including electric vehicles, energy
20 storage systems, and photovoltaic resources, and
21 how the identification of interconnection points
22 on the distribution system will support the
23 continued development of distributed energy
24 resources.

25 (ii) Discussion of the utility's
26 interconnection requirements and how they comply

1 with the Commission's applicable regulations.

2 (F) Identification and discussion of the scenarios
3 considered in the development of the utility's
4 Multi-Year Integrated Grid Plan, including DER
5 scenarios, and discussion of base-case and alternative
6 scenarios, how the scenarios were developed and
7 selected, and how the scenarios include a reasonable
8 mix of DERs scenarios, types, and geographic
9 dispersion. Scenarios shall at least consider the
10 5-year forecast horizon of the Multi-Year Integrated
11 Grid Plan, but may also consider longer-term scenarios
12 where data is available. The plan shall also include
13 requirements requested by the Commission or determined
14 through Commission rules.

15 (G) An evaluation of the short-term and long-run
16 benefits and costs of distributed energy resources
17 located on the distribution system, including, but not
18 limited to, the locational, temporal, and
19 performance-based benefits and costs of distributed
20 energy resources. The utility shall use the results of
21 this evaluation to inform its analysis of Solution
22 Sourcing Opportunities, including nonwires
23 alternatives, under subparagraph (K) of paragraph (2)
24 subsection (f) of this Section. The Commission may use
25 the data produced through this evaluation to, among
26 other use-cases, inform the Commission's investigation

1 and establishment of tariffs and compensation for
2 distributed energy resources interconnecting to the
3 utility's distribution system, including rebates
4 provided by the electric utility pursuant to Section
5 16-107.6 of this Act.

6 (H) Long-term Distribution System Investment Plan.

7 (i) The utility's planned distribution capital
8 investments for the period covered by the planning
9 process required by this Section, by the
10 investment categories used by the utility, and
11 with discussion of any individual planned projects
12 with a planned total investment gross amount of
13 \$3,000,000 or more and of the alternatives
14 considered by the utility to such individual
15 projects including any non-traditional
16 alternatives and DER alternatives, and supporting
17 data. This shall provide sufficiently detailed
18 explanations of how the planned investments shall
19 support the goals in subsection (d) of this
20 Section.

21 (ii) Discussion of how the utility's capital
22 investments plan is consistent with Commission
23 orders regarding the procurement of renewable
24 resources as discussed in Section 16-111.5 of this
25 Act, energy efficiency plans as discussed in
26 Section 8-103B, distributed generation rebates as

1 discussed in Section 16-107.6, and any other
2 Commission order affecting the goals described in
3 subsection (d) of this Section.

4 (iii) A plan for achieving the applicable
5 metrics that were approved by the Commission for
6 the utility pursuant to subsection (e) of Section
7 16-108.18 of this Act.

8 (iv) A narrative discussion of the utility's
9 vision for the distribution system over the next 5
10 years.

11 (v) Any additional information requested by
12 the Commission or determined through Commission
13 rules.

14 (I) A detailed description of historic
15 distribution system operations and maintenance
16 expenditures for the preceding 5 years and of planned
17 or projected operations and maintenance expenditures
18 for the period covered by the planning process
19 required by this Section, as well as the data,
20 reasoning and explanation supporting planned or
21 projected expenditures. Any additional information
22 requested by the Commission or determined through
23 Commission rules.

24 (J) A detailed plan for achieving the applicable
25 metrics that were approved by the Commission for the
26 utility pursuant to subsection (e) of Section

1 16-108.18 of this Act, including, but not limited to,
2 the following:

3 (i) A description of, exclusive of low-income
4 rate relief programs and other income-qualified
5 programs, how the utility is supporting efforts to
6 bring 40% of benefits from programs, policies, and
7 initiatives proposed in their Multi-Year
8 Integrated Grid Plan to ratepayers in low-income
9 and environmental justice communities. This shall
10 also include any information requested by the
11 Commission or determined through Commission rules.
12 Nothing in this subparagraph is meant to require a
13 specific amount of spending in a particular
14 geographic area.

15 (ii) A detailed analysis of current and
16 projected flexible resources, including resource
17 type, size (in MW and MWh), location and
18 environmental impact, as well as anticipated needs
19 that can be met using flexible resources, to meet
20 the goals described in subsection (d) of this
21 Section, to meet the applicable metrics that were
22 approved by the Commission for the utility
23 pursuant to subsection (e) of Section 16-108.18 of
24 this Act, and any other Commission order affecting
25 the goals described in subsection (d) of this
26 Section.

1 (iii) Any additional information requested by
2 the Commission or determined through Commission
3 rules.

4 (K) Identification of potential cost-effective
5 solutions from nontraditional and third-party owned
6 investments that could meet anticipated grid needs,
7 including, but not limited to, distributed energy
8 resources procurements, tariffs or contracts,
9 programmatic solutions, rate design options,
10 technologies or programs that facilitate load
11 flexibility, nonwires alternatives, and other
12 solutions that are intended to meet the objectives
13 described at subsection (d). It is the policy of this
14 State that cost-effective third-party or
15 customer-owned distributed energy resources create
16 robust competition and customer choice and shall be
17 considered as appropriate. The Commission shall
18 establish rules determining data or methods for
19 Solution Sourcing Opportunities.

20 (L) A detailed description of the utility's
21 interoperability plan, which must describe the manner
22 in which the electric utility's current and planned
23 distribution system investments will work together and
24 exchange information and data, the extent to which the
25 utility is implementing open standards and interfaces
26 with third-party distributed energy resource owners

1 and aggregators, and the utility's plan for
2 interoperability testing and certification.

3 (3) To the extent any information in utilities'
4 Multi-Year Integrated Grid Plans is designated as
5 confidential and proprietary under the Commission's rules,
6 the proponent of the designation shall have the burden of
7 making the requisite showing under the Commission's rules.
8 For data that is determined to be confidential or that
9 includes personally identifiable information, the
10 Commission may develop procedures and processes to enable
11 data sharing with parties and stakeholders while ensuring
12 the confidentiality of the information. All confidential
13 information exchanged, submitted, or shared by a utility
14 pursuant to this Section shall be protected from
15 intentional and accidental dissemination. The Commission
16 shall have authority to supervise, protect, and restrict
17 access to all confidential, commercially sensitive, or
18 system security related information and data, and shall be
19 authorized to take all necessary steps to protect that
20 information from unauthorized disclosure. This paragraph
21 shall not be interpreted to require a utility to make
22 publicly available any information or data that could
23 compromise the physical or cyber security of a utility's
24 distribution system. Any party that accidentally
25 disseminates confidential information obtained pursuant to
26 a proceeding initiated in accordance with this Section, or

1 is the victim of a cyber-security breach, must notify the
2 affected utility, the Illinois Attorney General, and the
3 Commission staff with 24 hours of knowledge of such
4 dissemination or breach. Any party that fails to provide
5 required notification of such a breach shall be subject to
6 remedies available to the Commission and the Illinois
7 Attorney General.

8 (4) It is the policy of this State that holistic
9 consideration of all related investments, planning
10 processes, tariffs, rate design options, programs, and
11 other utility policies and plans shall be required. To
12 that end, the Commission shall consider, comprehensively,
13 the impact of all related plans, tariffs, programs, and
14 policies on the Plan and on each other, including:

15 (A) time-of-use pricing program pursuant to
16 Section 16-107.7 of this Act, hourly pricing program
17 pursuant to Section 16-107 of this Act, and any other
18 time-variant or dynamic pricing program;

19 (B) distributed generation rebate pursuant to
20 Section 16-107.6 of this Act;

21 (C) net electricity metering, pursuant to Section
22 16-107.5 of this Act;

23 (D) energy efficiency programs pursuant to Section
24 8-103B of this Act;

25 (E) beneficial electrification programs pursuant
26 to Section 16-107.8 of this Act;

1 (F) Equitable Energy Upgrade Program pursuant to
2 Section 16-111.10 of this Act;

3 (G) renewable energy programs and procurements set
4 forth in the Illinois Power Agency Act, including, but
5 not limited to, those set forth in the long-term
6 renewable resources procurement plan developed
7 pursuant to Section 1-20 of that Act; and

8 (H) other plans, programs, and policies that are
9 relevant to distribution grid investments, costs,
10 planning, and other categories as requested by the
11 Commission.

12 The Plan shall comprehensively detail the relationship
13 between these plans, tariffs, and programs and to the
14 electric utility's achievement of the objectives in
15 subsection (d). The Plan shall be designed to coordinate
16 each of these plans, programs, and tariffs with the
17 electric utility's long-term distribution system
18 investment planning in order to maximize the benefits of
19 each.

20 (5) The initiating order for the initial Multi-Year
21 Integrated Grid Plan, as well as each electric utility's
22 subsequent Integrated Grid Plans under subsection (g),
23 shall begin a contested proceeding as described in
24 subsection (d) of Section 10-101.1 of this Act.

25 (A) In evaluating a utility's Plan, the Commission
26 shall consider, at minimum, whether the Plan:

1 (1) meets the objectives of this Section;
2 (2) includes the components in paragraph (2)
3 of subsection (f) of this Section;
4 (3) considers and incorporates, where
5 practicable, input from interested stakeholders,
6 including parties and people who offer public
7 comment without legal representation;
8 (4) considers nontraditional, including
9 third-party owned, investment alternatives that
10 can meet grid needs and provide additional
11 benefits (including consumer, economic, and
12 environmental benefits) beyond comparable,
13 traditional utility-planned capital investments;
14 (5) equitably benefits environmental justice
15 communities; and
16 (6) maximizes consumer, environmental,
17 economic, and community benefits over a 10-year
18 horizon.
19 (B) The Commission, after notice and hearing,
20 shall modify each electric utility's Plan as necessary
21 to comply with the objectives of this Section. The
22 Commission may approve, or modify and approve, a Plan
23 only if it finds that the Plan is reasonable, complies
24 with the objectives and requirements of this Section,
25 and reasonably incorporates input from parties. The
26 Commission may reject each electric utility's Plan if

1 it finds that the Plan does not comply with the
2 objectives and requirements of this Section. If the
3 Commission enters an order rejecting a Plan, the
4 utility must refile a Plan within 3 months after that
5 order, and until the Commission approves a Plan, the
6 utility's existing Plan will remain in effect.

7 (C) For the initial Integrated Grid Plan filings,
8 the Commission shall enter an order approving,
9 modifying, or rejecting the Plan no later than
10 December 15, 2023. For subsequent Integrated Grid Plan
11 filings, the Commission shall enter an order
12 approving, modifying, or rejecting the Plan no later
13 than December 15 of the year in which it was filed.

14 (D) Each electric utility shall file its proposed
15 Initial Multi-Year Integrated Grid Plan no later than
16 January 20, 2023. Prior to that date and following the
17 initiating order, the Commission shall initiate a case
18 management conference and shall take any appropriate
19 steps to begin meaningful consideration of issues,
20 including enabling interested parties to begin
21 conducting discovery.

22 (6) As part of its order approving a utility's
23 Multi-Year Integrated Grid Plan, including any
24 modifications required, the Commission may create a
25 subsequent implementation plan docket, or multiple
26 implementation plan dockets, if the Commission determines

1 that multiple dockets would be preferable, to consider a
2 utility's detailed plan or plans, as directed in the
3 Commission's order.

4 (g) No later than January 20, 2026 and every 4 years
5 thereafter, each electric utility subject to this Section
6 shall file a new Multi-Year Integrated Grid Plan for the
7 subsequent 4 delivery years after the completion of the
8 then-effective Plan. Each Plan shall meet the requirements
9 described in subsection (f) of this Section, and shall be
10 preceded by a workshop process which meets the same
11 requirements described in subsection (e). If appropriate, the
12 Commission may require additional implementation dockets to
13 follow Subsequent Multi-Year Integrated Grid Plan filings.

14 (h) During the period leading to approval of the first
15 Multi-Year Integrated Grid Plan, each electric utility will
16 necessarily continue to invest in its distribution grid. Those
17 investments will be subject to a determination of prudence and
18 reasonableness consistent with Commission practice and law.
19 Any failure of such investments to conform to the Multi-Year
20 Integrated Grid Plan ultimately approved shall not imply
21 imprudence or unreasonableness.

22 (i) The Commission shall adopt rules to carry out the
23 provisions of this Section under the emergency rulemaking
24 provisions set forth in Section 5-45 of the Illinois
25 Administrative Procedure Act, and such emergency rules may be
26 effective no later than 90 days after the effective date of

1 this amendatory Act of the 102nd General Assembly.

2 (220 ILCS 5/16-107.5)

3 Sec. 16-107.5. Net electricity metering.

4 (a) The General Assembly ~~Legislature~~ finds and declares
5 that a program to provide net electricity metering, as defined
6 in this Section, for eligible customers can encourage private
7 investment in renewable energy resources, stimulate economic
8 growth, enhance the continued diversification of Illinois'
9 energy resource mix, and protect the Illinois environment.
10 Further, to achieve the goals of this Act that robust options
11 for customer-site distributed generation continue to thrive in
12 Illinois, the General Assembly finds that a predictable
13 transition must be ensured for customers between full net
14 metering at the retail electricity rate to the distribution
15 generation rebate described in Section 16-107.6.

16 (b) As used in this Section, (i) "community renewable
17 generation project" shall have the meaning set forth in
18 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
19 customer" means a retail customer that owns, hosts, or
20 operates, including any third-party owned systems, a solar,
21 wind, or other eligible renewable electrical generating
22 facility ~~with a rated capacity of not more than 2,000~~
23 ~~kilowatts~~ that is located on the customer's premises or
24 customer's side of the billing meter and is intended primarily
25 to offset the customer's own current or future electrical

1 requirements; (iii) "electricity provider" means an electric
2 utility or alternative retail electric supplier; (iv)
3 "eligible renewable electrical generating facility" means a
4 generator, which may include the co-location of an energy
5 storage system, that is interconnected under rules adopted by
6 the Commission and is powered by solar electric energy, wind,
7 dedicated crops grown for electricity generation, agricultural
8 residues, untreated and unadulterated wood waste, ~~landscape~~
9 ~~trimmings,~~ livestock manure, anaerobic digestion of livestock
10 or food processing waste, fuel cells or microturbines powered
11 by renewable fuels, or hydroelectric energy; (v) "net
12 electricity metering" (or "net metering") means the
13 measurement, during the billing period applicable to an
14 eligible customer, of the net amount of electricity supplied
15 by an electricity provider to the customer ~~customer's premises~~
16 or provided to the electricity provider by the customer or
17 subscriber; (vi) "subscriber" shall have the meaning as set
18 forth in Section 1-10 of the Illinois Power Agency Act; ~~and~~
19 (vii) "subscription" shall have the meaning set forth in
20 Section 1-10 of the Illinois Power Agency Act; (viii) "energy
21 storage system" means commercially available technology that
22 is capable of absorbing energy and storing it for a period of
23 time for use at a later time, including, but not limited to,
24 electrochemical, thermal, and electromechanical technologies,
25 and may be interconnected behind the customer's meter or
26 interconnected behind its own meter; and (ix) "future

1 electrical requirements" means modeled electrical requirements
2 upon occupation of a new or vacant property, and other
3 reasonable expectations of future electrical use, as well as,
4 for occupied properties, a reasonable approximation of the
5 annual load of 2 electric vehicles and, for non-electric
6 heating customers, a reasonable approximation of the
7 incremental electric load associated with fuel switching. The
8 approximations shall be applied to the appropriate net
9 metering tariff and do not need to be unique to each individual
10 eligible customer. The utility shall submit these
11 approximations to the Commission for review, modification, and
12 approval.

13 (c) A net metering facility shall be equipped with
14 metering equipment that can measure the flow of electricity in
15 both directions at the same rate.

16 (1) For eligible customers whose electric service has
17 not been declared competitive pursuant to Section 16-113
18 of this Act as of July 1, 2011 and whose electric delivery
19 service is provided and measured on a kilowatt-hour basis
20 and electric supply service is not provided based on
21 hourly pricing, this shall typically be accomplished
22 through use of a single, bi-directional meter. If the
23 eligible customer's existing electric revenue meter does
24 not meet this requirement, the electricity provider shall
25 arrange for the local electric utility or a meter service
26 provider to install and maintain a new revenue meter at

1 the electricity provider's expense, which may be the smart
2 meter described by subsection (b) of Section 16-108.5 of
3 this Act.

4 (2) For eligible customers whose electric service has
5 not been declared competitive pursuant to Section 16-113
6 of this Act as of July 1, 2011 and whose electric delivery
7 service is provided and measured on a kilowatt demand
8 basis and electric supply service is not provided based on
9 hourly pricing, this shall typically be accomplished
10 through use of a dual channel meter capable of measuring
11 the flow of electricity both into and out of the
12 customer's facility at the same rate and ratio. If such
13 customer's existing electric revenue meter does not meet
14 this requirement, then the electricity provider shall
15 arrange for the local electric utility or a meter service
16 provider to install and maintain a new revenue meter at
17 the electricity provider's expense, which may be the smart
18 meter described by subsection (b) of Section 16-108.5 of
19 this Act.

20 (3) For all other eligible customers, until such time
21 as the local electric utility installs a smart meter, as
22 described by subsection (b) of Section 16-108.5 of this
23 Act, the electricity provider may arrange for the local
24 electric utility or a meter service provider to install
25 and maintain metering equipment capable of measuring the
26 flow of electricity both into and out of the customer's

1 facility at the same rate and ratio, typically through the
2 use of a dual channel meter. If the eligible customer's
3 existing electric revenue meter does not meet this
4 requirement, then the costs of installing such equipment
5 shall be paid for by the customer.

6 (d) An electricity provider shall measure and charge or
7 credit for the net electricity supplied to eligible customers
8 or provided by eligible customers whose electric service has
9 not been declared competitive pursuant to Section 16-113 of
10 this Act as of July 1, 2011 and whose electric delivery service
11 is provided and measured on a kilowatt-hour basis and electric
12 supply service is not provided based on hourly pricing in the
13 following manner:

14 (1) If the amount of electricity used by the customer
15 during the billing period exceeds the amount of
16 electricity produced by the customer, the electricity
17 provider shall charge the customer for the net electricity
18 supplied to and used by the customer as provided in
19 subsection (e-5) of this Section.

20 (2) If the amount of electricity produced by a
21 customer during the billing period exceeds the amount of
22 electricity used by the customer during that billing
23 period, the electricity provider supplying that customer
24 shall apply a 1:1 kilowatt-hour credit to a subsequent
25 bill for service to the customer for the net electricity
26 supplied to the electricity provider. The electricity

1 provider shall continue to carry over any excess
2 kilowatt-hour credits earned and apply those credits to
3 subsequent billing periods to offset any
4 customer-generator consumption in those billing periods
5 until all credits are used or until the end of the
6 annualized period.

7 (3) At the end of the year or annualized over the
8 period that service is supplied by means of net metering,
9 or in the event that the retail customer terminates
10 service with the electricity provider prior to the end of
11 the year or the annualized period, any remaining credits
12 in the customer's account shall expire.

13 (d-5) An electricity provider shall measure and charge or
14 credit for the net electricity supplied to eligible customers
15 or provided by eligible customers whose electric service has
16 not been declared competitive pursuant to Section 16-113 of
17 this Act as of July 1, 2011 and whose electric delivery service
18 is provided and measured on a kilowatt-hour basis and electric
19 supply service is provided based on hourly pricing or
20 time-of-use rates in the following manner:

21 (1) If the amount of electricity used by the customer
22 during any hourly period or time-of-use period exceeds the
23 amount of electricity produced by the customer, the
24 electricity provider shall charge the customer for the net
25 electricity supplied to and used by the customer according
26 to the terms of the contract or tariff to which the same

1 customer would be assigned to or be eligible for if the
2 customer was not a net metering customer.

3 (2) If the amount of electricity produced by a
4 customer during any hourly period or time-of-use period
5 exceeds the amount of electricity used by the customer
6 during that hourly period or time-of-use period, the
7 energy provider shall apply a credit for the net
8 kilowatt-hours produced in such period. The credit shall
9 consist of an energy credit and a delivery service credit.
10 The energy credit shall be valued at the same price per
11 kilowatt-hour as the electric service provider would
12 charge for kilowatt-hour energy sales during that same
13 hourly period or time-of-use period. The delivery credit
14 shall be equal to the net kilowatt-hours produced in such
15 hourly period or time-of-use period times a credit that
16 reflects all kilowatt-hour based charges in the customer's
17 electric service rate, excluding energy charges.

18 (e) An electricity provider shall measure and charge or
19 credit for the net electricity supplied to eligible customers
20 whose electric service has not been declared competitive
21 pursuant to Section 16-113 of this Act as of July 1, 2011 and
22 whose electric delivery service is provided and measured on a
23 kilowatt demand basis and electric supply service is not
24 provided based on hourly pricing in the following manner:

25 (1) If the amount of electricity used by the customer
26 during the billing period exceeds the amount of

1 electricity produced by the customer, then the electricity
2 provider shall charge the customer for the net electricity
3 supplied to and used by the customer as provided in
4 subsection (e-5) of this Section. The customer shall
5 remain responsible for all taxes, fees, and utility
6 delivery charges that would otherwise be applicable to the
7 net amount of electricity used by the customer.

8 (2) If the amount of electricity produced by a
9 customer during the billing period exceeds the amount of
10 electricity used by the customer during that billing
11 period, then the electricity provider supplying that
12 customer shall apply a 1:1 kilowatt-hour credit that
13 reflects the kilowatt-hour based charges in the customer's
14 electric service rate to a subsequent bill for service to
15 the customer for the net electricity supplied to the
16 electricity provider. The electricity provider shall
17 continue to carry over any excess kilowatt-hour credits
18 earned and apply those credits to subsequent billing
19 periods to offset any customer-generator consumption in
20 those billing periods until all credits are used or until
21 the end of the annualized period.

22 (3) At the end of the year or annualized over the
23 period that service is supplied by means of net metering,
24 or in the event that the retail customer terminates
25 service with the electricity provider prior to the end of
26 the year or the annualized period, any remaining credits

1 in the customer's account shall expire.

2 (e-5) An electricity provider shall provide electric
3 service to eligible customers who utilize net metering at
4 non-discriminatory rates that are identical, with respect to
5 rate structure, retail rate components, and any monthly
6 charges, to the rates that the customer would be charged if not
7 a net metering customer. An electricity provider shall not
8 charge net metering customers any fee or charge or require
9 additional equipment, insurance, or any other requirements not
10 specifically authorized by interconnection standards
11 authorized by the Commission, unless the fee, charge, or other
12 requirement would apply to other similarly situated customers
13 who are not net metering customers. The customer will remain
14 responsible for all taxes, fees, and utility delivery charges
15 that would otherwise be applicable to the net amount of
16 electricity used by the customer. Subsections (c) through (e)
17 of this Section shall not be construed to prevent an
18 arms-length agreement between an electricity provider and an
19 eligible customer that sets forth different prices, terms, and
20 conditions for the provision of net metering service,
21 including, but not limited to, the provision of the
22 appropriate metering equipment for non-residential customers.

23 (f) Notwithstanding the requirements of subsections (c)
24 through (e-5) of this Section, an electricity provider must
25 require dual-channel metering for customers operating eligible
26 renewable electrical generating facilities ~~with a nameplate~~

1 ~~rating up to 2,000 kilowatts and~~ to whom the provisions of
2 neither subsection (d), (d-5), nor (e) of this Section apply.
3 In such cases, electricity charges and credits shall be
4 determined as follows:

5 (1) The electricity provider shall assess and the
6 customer remains responsible for all taxes, fees, and
7 utility delivery charges that would otherwise be
8 applicable to the gross amount of kilowatt-hours supplied
9 to the eligible customer by the electricity provider.

10 (2) Each month that service is supplied by means of
11 dual-channel metering, the electricity provider shall
12 compensate the eligible customer for any excess
13 kilowatt-hour credits at the electricity provider's
14 avoided cost of electricity supply over the monthly period
15 or as otherwise specified by the terms of a power-purchase
16 agreement negotiated between the customer and electricity
17 provider.

18 (3) For all eligible net metering customers taking
19 service from an electricity provider under contracts or
20 tariffs employing hourly or time-of-use ~~time-of-use~~ rates,
21 any monthly consumption of electricity shall be calculated
22 according to the terms of the contract or tariff to which
23 the same customer would be assigned to or be eligible for
24 if the customer was not a net metering customer. When
25 those same customer-generators are net generators during
26 any discrete hourly or time-of-use ~~time-of-use~~ period, the

1 net kilowatt-hours produced shall be valued at the same
2 price per kilowatt-hour as the electric service provider
3 would charge for retail kilowatt-hour sales during that
4 same time-of-use ~~time-of-use~~ period.

5 (g) For purposes of federal and State laws providing
6 renewable energy credits or greenhouse gas credits, the
7 eligible customer shall be treated as owning and having title
8 to the renewable energy attributes, renewable energy credits,
9 and greenhouse gas emission credits related to any electricity
10 produced by the qualified generating unit. The electricity
11 provider may not condition participation in a net metering
12 program on the signing over of a customer's renewable energy
13 credits; provided, however, this subsection (g) shall not be
14 construed to prevent an arms-length agreement between an
15 electricity provider and an eligible customer that sets forth
16 the ownership or title of the credits.

17 (h) Within 120 days after the effective date of this
18 amendatory Act of the 95th General Assembly, the Commission
19 shall establish standards for net metering and, if the
20 Commission has not already acted on its own initiative,
21 standards for the interconnection of eligible renewable
22 generating equipment to the utility system. The
23 interconnection standards shall address any procedural
24 barriers, delays, and administrative costs associated with the
25 interconnection of customer-generation while ensuring the
26 safety and reliability of the units and the electric utility

1 system. The Commission shall consider the Institute of
2 Electrical and Electronics Engineers (IEEE) Standard 1547 and
3 the issues of (i) reasonable and fair fees and costs, (ii)
4 clear timelines for major milestones in the interconnection
5 process, (iii) nondiscriminatory terms of agreement, and (iv)
6 any best practices for interconnection of distributed
7 generation.

8 (h-5) Within 90 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, the Commission
10 shall:

11 (1) establish an Interconnection Working Group. The
12 working group shall include representatives from electric
13 utilities, developers of renewable electric generating
14 facilities, other industries that regularly apply for
15 interconnection with the electric utilities,
16 representatives of distributed generation customers, the
17 Commission Staff, and such other stakeholders with a
18 substantial interest in the topics addressed by the
19 Interconnection Working Group. The Interconnection Working
20 Group shall address at least the following issues:

21 (A) cost and best available technology for
22 interconnection and metering, including the
23 standardization and publication of standard costs;

24 (B) transparency, accuracy and use of the
25 distribution interconnection queue and hosting
26 capacity maps;

1 (C) distribution system upgrade cost avoidance
2 through use of advanced inverter functions;

3 (D) predictability of the queue management process
4 and enforcement of timelines;

5 (E) benefits and challenges associated with group
6 studies and cost sharing;

7 (F) minimum requirements for application to the
8 interconnection process and throughout the
9 interconnection process to avoid queue clogging
10 behavior;

11 (G) process and customer service for
12 interconnecting customers adopting distributed energy
13 resources, including energy storage;

14 (H) options for metering distributed energy
15 resources, including energy storage;

16 (I) interconnection of new technologies, including
17 smart inverters and energy storage;

18 (J) collect, share, and examine data on Level 1
19 interconnection costs, including cost and type of
20 upgrades required for interconnection, and use this
21 data to inform the final standardized cost of Level 1
22 interconnection; and

23 (K) such other technical, policy, and tariff
24 issues related to and affecting interconnection
25 performance and customer service as determined by the
26 Interconnection Working Group.

1 The Commission may create subcommittees of the
2 Interconnection Working Group to focus on specific issues
3 of importance, as appropriate. The Interconnection Working
4 Group shall report to the Commission on recommended
5 improvements to interconnection rules and tariffs and
6 policies as determined by the Interconnection Working
7 Group at least every 6 months. Such reports shall include
8 consensus recommendations of the Interconnection Working
9 Group and, if applicable, additional recommendations for
10 which consensus was not reached. The Commission shall use
11 the report from the Interconnection Working Group to
12 determine whether processes should be commenced to
13 formally codify or implement the recommendations;

14 (2) create or contract for an Ombudsman to resolve
15 interconnection disputes through non-binding arbitration.
16 The Ombudsman may be paid in full or in part through fees
17 levied on the initiators of the dispute; and

18 (3) determine a single standardized cost for Level 1
19 interconnections, which shall not exceed \$200.

20 (i) All electricity providers shall begin to offer net
21 metering no later than April 1, 2008.

22 (j) An electricity provider shall provide net metering to
23 eligible customers according to subsections (d), (d-5), and
24 (e). Eligible renewable electrical generating facilities for
25 which eligible customers registered for net metering before
26 January 1, 2025 shall continue to receive net metering

1 services according to subsections (d), (d-5), and (e) of this
2 Section for the lifetime of the system, regardless of whether
3 those retail customers change electricity providers or whether
4 the retail customer benefiting from the system changes. On and
5 after January 1, 2025, any eligible customer that applies for
6 net metering and previously would have qualified under
7 subsections (d), (d-5), or (e) shall only be eligible for net
8 metering as described in subsection (n). ~~until the load of its~~
9 ~~net metering customers equals 5% of the total peak demand~~
10 ~~supplied by that electricity provider during the previous~~
11 ~~year. After such time as the load of the electricity~~
12 ~~provider's net metering customers equals 5% of the total peak~~
13 ~~demand supplied by that electricity provider during the~~
14 ~~previous year, eligible customers that begin taking net~~
15 ~~metering shall only be eligible for netting of energy.~~

16 (k) Each electricity provider shall maintain records and
17 report annually to the Commission the total number of net
18 metering customers served by the provider, as well as the
19 type, capacity, and energy sources of the generating systems
20 used by the net metering customers. Nothing in this Section
21 shall limit the ability of an electricity provider to request
22 the redaction of information deemed by the Commission to be
23 confidential business information.

24 (l)(1) Notwithstanding the definition of "eligible
25 customer" in item (ii) of subsection (b) of this Section, each
26 electricity provider shall allow net metering as set forth in

1 this subsection (1) and for the following projects, provided
2 that only electric utilities serving more than 200,000
3 customers as of January 1, 2021 shall provide net metering for
4 projects that are eligible for subparagraph (C) of this
5 paragraph (1) and have energized after the effective date of
6 this amendatory Act of the 102nd General Assembly:

7 (A) properties owned or leased by multiple customers
8 that contribute to the operation of an eligible renewable
9 electrical generating facility through an ownership or
10 leasehold interest of at least 200 watts in such facility,
11 such as a community-owned wind project, a community-owned
12 biomass project, a community-owned solar project, or a
13 community methane digester processing livestock waste from
14 multiple sources, provided that the facility is also
15 located within the utility's service territory;

16 (B) individual units, apartments, or properties
17 located in a single building that are owned or leased by
18 multiple customers and collectively served by a common
19 eligible renewable electrical generating facility, such as
20 an office or apartment building, a shopping center or
21 strip mall served by photovoltaic panels on the roof; and

22 (C) subscriptions to community renewable generation
23 projects, including community renewable generation
24 projects on the customer's side of the billing meter of a
25 host facility and partially used for the customer's own
26 load.

1 In addition, the nameplate capacity of the eligible
2 renewable electric generating facility that serves the demand
3 of the properties, units, or apartments identified in
4 paragraphs (1) and (2) of this subsection (1) shall not exceed
5 5,000 ~~2,000~~ kilowatts in nameplate capacity in total. Any
6 eligible renewable electrical generating facility or community
7 renewable generation project that is powered by photovoltaic
8 electric energy and installed after the effective date of this
9 amendatory Act of the 99th General Assembly must be installed
10 by a qualified person in compliance with the requirements of
11 Section 16-128A of the Public Utilities Act and any rules or
12 regulations adopted thereunder.

13 (2) Notwithstanding anything to the contrary, an
14 electricity provider shall provide credits for the electricity
15 produced by the projects described in paragraph (1) of this
16 subsection (1). The electricity provider shall provide credits
17 that include at least energy supply, capacity, transmission,
18 and, if applicable, the purchased energy adjustment ~~at the~~
19 ~~subscriber's energy supply rate~~ on the subscriber's monthly
20 bill equal to the subscriber's share of the production of
21 electricity from the project, as determined by paragraph (3)
22 of this subsection (1). For customers with transmission or
23 capacity charges not charged on a kilowatt-hour basis, the
24 electricity provider shall prepare a reasonable approximation
25 of the kilowatt-hour equivalent value and provide that value
26 as a monetary credit. The electricity provider shall submit

1 these approximation methodologies to the Commission for
2 review, modification, and approval. Notwithstanding anything
3 to the contrary, customers on payment plans or participating
4 in budget billing programs shall have credits applied on a
5 monthly basis.

6 (3) Notwithstanding anything to the contrary and
7 regardless of whether a subscriber to an eligible community
8 renewable generation project receives power and energy service
9 from the electric utility or an alternative retail electric
10 supplier, for projects eligible under paragraph (C) of
11 subparagraph (1) of this subsection (1), electric utilities
12 servicing more than 200,000 customers as of January 1, 2021
13 shall provide the monetary credits to a subscriber's
14 subsequent bill for the electricity produced by community
15 renewable generation projects. The electric utility shall
16 provide monetary credits to a subscriber's subsequent bill at
17 the utility's total price to compare equal to the subscriber's
18 share of the production of electricity from the project, as
19 determined by paragraph (5) of this subsection (1). For the
20 purposes of this subsection, "total price to compare" means
21 the rate or rates published by the Illinois Commerce
22 Commission for energy supply for eligible customers receiving
23 supply service from the electric utility, and shall include
24 energy, capacity, transmission, and the purchased energy
25 adjustment. Notwithstanding anything to the contrary,
26 customers on payment plans or participating in budget billing

1 programs shall have credits applied on a monthly basis. Any
2 applicable credit or reduction in load obligation from the
3 production of the community renewable generating projects
4 receiving a credit under this subsection shall be credited to
5 the electric utility to offset the cost of providing the
6 credit. To the extent that the credit or load obligation
7 reduction does not completely offset the cost of providing the
8 credit to subscribers of community renewable generation
9 projects as described in this subsection, the electric utility
10 may recover the remaining costs through its Multi-Year Rate
11 Plan. All electric utilities serving 200,000 or fewer
12 customers as of January 1, 2021 shall only provide the
13 monetary credits to a subscriber's subsequent bill for the
14 electricity produced by community renewable generation
15 projects if the subscriber receives power and energy service
16 from the electric utility. Alternative retail electric
17 suppliers providing power and energy service to a subscriber
18 located within the service territory of an electric utility
19 not subject to Sections 16-108.18 and 16-118 shall provide the
20 monetary credits to the subscriber's subsequent bill for the
21 electricity produced by community renewable generation
22 projects.

23 (4) If requested by the owner or operator of a community
24 renewable generating project, an electric utility serving more
25 than 200,000 customers as of January 1, 2021 shall enter into a
26 net crediting agreement with the owner or operator to include

1 a subscriber's subscription fee on the subscriber's monthly
2 electric bill and provide the subscriber with a net credit
3 equivalent to the total bill credit value for that generation
4 period minus the subscription fee, provided the subscription
5 fee is structured as a fixed percentage of bill credit value.
6 The net crediting agreement shall set forth payment terms from
7 the electric utility to the owner or operator of the community
8 renewable generating project, and the electric utility may
9 charge a net crediting fee to the owner or operator of a
10 community renewable generating project that may not exceed 2%
11 of the bill credit value. Notwithstanding anything to the
12 contrary, an electric utility serving 200,000 customers or
13 fewer as of January 1, 2021 shall not be obligated to enter
14 into a net crediting agreement with the owner or operator of a
15 community renewable generating project.

16 (5) ~~(3)~~ For the purposes of facilitating net metering, the
17 owner or operator of the eligible renewable electrical
18 generating facility or community renewable generation project
19 shall be responsible for determining the amount of the credit
20 that each customer or subscriber participating in a project
21 under this subsection (1) is to receive in the following
22 manner:

23 (A) The owner or operator shall, on a monthly basis,
24 provide to the electric utility the kilowatthours of
25 generation attributable to each of the utility's retail
26 customers and subscribers participating in projects under

1 this subsection (1) in accordance with the customer's or
2 subscriber's share of the eligible renewable electric
3 generating facility's or community renewable generation
4 project's output of power and energy for such month. The
5 owner or operator shall electronically transmit such
6 calculations and associated documentation to the electric
7 utility, in a format or method set forth in the applicable
8 tariff, on a monthly basis so that the electric utility
9 can reflect the monetary credits on customers' and
10 subscribers' electric utility bills. The electric utility
11 shall be permitted to revise its tariffs to implement the
12 provisions of this amendatory Act of the 102nd General
13 Assembly ~~this amendatory Act of the 99th General Assembly~~.
14 The owner or operator shall separately provide the
15 electric utility with the documentation detailing the
16 calculations supporting the credit in the manner set forth
17 in the applicable tariff.

18 (B) For those participating customers and subscribers
19 who receive their energy supply from an alternative retail
20 electric supplier, the electric utility shall remit to the
21 applicable alternative retail electric supplier the
22 information provided under subparagraph (A) of this
23 paragraph (3) for such customers and subscribers in a
24 manner set forth in such alternative retail electric
25 supplier's net metering program, or as otherwise agreed
26 between the utility and the alternative retail electric

1 supplier. The alternative retail electric supplier shall
2 then submit to the utility the amount of the charges for
3 power and energy to be applied to such customers and
4 subscribers, including the amount of the credit associated
5 with net metering.

6 (C) A participating customer or subscriber may provide
7 authorization as required by applicable law that directs
8 the electric utility to submit information to the owner or
9 operator of the eligible renewable electrical generating
10 facility or community renewable generation project to
11 which the customer or subscriber has an ownership or
12 leasehold interest or a subscription. Such information
13 shall be limited to the components of the net metering
14 credit calculated under this subsection (1), including the
15 bill credit rate, total kilowatthours, and total monetary
16 credit value applied to the customer's or subscriber's
17 bill for the monthly billing period.

18 (1-5) Within 90 days after the effective date of this
19 amendatory Act of the 102nd General Assembly ~~this amendatory~~
20 ~~Act of the 99th General Assembly~~, each electric utility
21 subject to this Section shall file a tariff or tariffs to
22 implement the provisions of subsection (1) of this Section,
23 which shall, consistent with the provisions of subsection (1),
24 describe the terms and conditions under which owners or
25 operators of qualifying properties, units, or apartments may
26 participate in net metering. The Commission shall approve, or

1 approve with modification, the tariff within 120 days after
2 the effective date of this amendatory Act of the 102nd General
3 Assembly ~~this amendatory Act of the 99th General Assembly.~~

4 (m) Nothing in this Section shall affect the right of an
5 electricity provider to continue to provide, or the right of a
6 retail customer to continue to receive service pursuant to a
7 contract for electric service between the electricity provider
8 and the retail customer in accordance with the prices, terms,
9 and conditions provided for in that contract. Either the
10 electricity provider or the customer may require compliance
11 with the prices, terms, and conditions of the contract.

12 (n) On and after January 1, 2025 ~~At such time, if any, that~~
13 ~~the load of the electricity provider's net metering customers~~
14 ~~equals 5% of the total peak demand supplied by that~~
15 ~~electricity provider during the previous year, as specified in~~
16 ~~subsection (j) of this Section,~~ the net metering services
17 described in subsections (d), (d-5), and (e), ~~(e-5), and (f)~~
18 of this Section shall no longer be offered, except as to those
19 eligible renewable electrical generating facilities for which
20 retail customers ~~that~~ are receiving net metering service under
21 these subsections at the time the net metering services under
22 those subsections are no longer offered; those systems shall
23 continue to receive net metering services described in
24 subsections (d), (d-5), and (e) of this Section for the
25 lifetime of the system, regardless of if those retail
26 customers change electricity providers or whether the retail

1 customer benefiting from the system changes. The electric
2 utility serving more than 200,000 customers as of January 1,
3 2021 is responsible for ensuring the billing credits continue
4 without lapse for the lifetime of systems, as required in
5 subsection (o). Those retail customers that begin taking net
6 metering service after the date that net metering services are
7 no longer offered under such subsections shall be subject to
8 the provisions set forth in the following paragraphs (1)
9 through (3) of this subsection (n):

10 (1) An electricity provider shall charge or credit for
11 the net electricity supplied to eligible customers or
12 provided by eligible customers whose electric supply
13 service is not provided based on hourly pricing in the
14 following manner:

15 (A) If the amount of electricity used by the
16 customer during the monthly billing period exceeds the
17 amount of electricity produced by the customer, then
18 the electricity provider shall charge the customer for
19 the net kilowatt-hour based electricity charges
20 reflected in the customer's electric service rate
21 supplied to and used by the customer as provided in
22 paragraph (3) of this subsection (n).

23 (B) If the amount of electricity produced by a
24 customer during the monthly billing period exceeds the
25 amount of electricity used by the customer during that
26 billing period, then the electricity provider

1 supplying that customer shall apply a 1:1
2 kilowatt-hour energy or monetary credit kilowatt-hour
3 supply charges to the customer's subsequent bill. The
4 customer shall choose between 1:1 kilowatt-hour or
5 monetary credit at the time of application. For the
6 purposes of this subsection, "kilowatt-hour supply
7 charges" means the kilowatt-hour equivalent values for
8 energy, capacity, transmission, and the purchased
9 energy adjustment, if applicable. Notwithstanding
10 anything to the contrary, customers on payment plans
11 or participating in budget billing programs shall have
12 credits applied on a monthly basis. ~~that reflects the~~
13 ~~kilowatt-hour based energy charges in the customer's~~
14 ~~electric service rate to a subsequent bill for service~~
15 ~~to the customer for the net electricity supplied to~~
16 ~~the electricity provider.~~ The electricity provider
17 shall continue to carry over any excess kilowatt-hour
18 or monetary energy credits earned and apply those
19 credits to subsequent billing periods. For customers
20 with transmission or capacity charges not charged on a
21 kilowatt-hour basis, the electricity provider shall
22 prepare a reasonable approximation of the
23 kilowatt-hour equivalent value and provide that value
24 as a monetary credit. The electricity provider shall
25 submit these approximation methodologies to the
26 Commission for review, modification, and approval. ~~to~~

1 ~~offset any customer generator consumption in those~~
2 ~~billing periods until all credits are used or until~~
3 ~~the end of the annualized period.~~

4 (C) (Blank). ~~At the end of the year or annualized~~
5 ~~over the period that service is supplied by means of~~
6 ~~net metering, or in the event that the retail customer~~
7 ~~terminates service with the electricity provider prior~~
8 ~~to the end of the year or the annualized period, any~~
9 ~~remaining credits in the customer's account shall~~
10 ~~expire.~~

11 (2) An electricity provider shall charge or credit for
12 the net electricity supplied to eligible customers or
13 provided by eligible customers whose electric supply
14 service is provided based on hourly pricing in the
15 following manner:

16 (A) If the amount of electricity used by the
17 customer during any hourly period exceeds the amount
18 of electricity produced by the customer, then the
19 electricity provider shall charge the customer for the
20 net electricity supplied to and used by the customer
21 as provided in paragraph (3) of this subsection (n).

22 (B) If the amount of electricity produced by a
23 customer during any hourly period exceeds the amount
24 of electricity used by the customer during that hourly
25 period, the energy provider shall calculate an energy
26 credit for the net kilowatt-hours produced in such

1 period, and shall apply that credit as a monetary
2 credit to the customer's subsequent bill. The value of
3 the energy credit shall be calculated using the same
4 price per kilowatt-hour as the electric service
5 provider would charge for kilowatt-hour energy sales
6 during that same hourly period and shall also include
7 values for capacity and transmission. For customers
8 with transmission or capacity charges not charged on a
9 kilowatt-hour basis, the electricity provider shall
10 prepare a reasonable approximation of the
11 kilowatt-hour equivalent value and provide that value
12 as a monetary credit. The electricity provider shall
13 submit these approximation methodologies to the
14 Commission for review, modification, and approval.
15 Notwithstanding anything to the contrary, customers on
16 payment plans or participating in budget billing
17 programs shall have credits applied on a monthly
18 basis.

19 (3) An electricity provider shall provide electric
20 service to eligible customers who utilize net metering at
21 non-discriminatory rates that are identical, with respect
22 to rate structure, retail rate components, and any monthly
23 charges, to the rates that the customer would be charged
24 if not a net metering customer. An electricity provider
25 shall charge the customer for the net electricity supplied
26 to and used by the customer according to the terms of the

1 contract or tariff to which the same customer would be
2 assigned or be eligible for if the customer was not a net
3 metering customer. An electricity provider shall not
4 charge net metering customers any fee or charge or require
5 additional equipment, insurance, or any other requirements
6 not specifically authorized by interconnection standards
7 authorized by the Commission, unless the fee, charge, or
8 other requirement would apply to other similarly situated
9 customers who are not net metering customers. ~~The charge~~
10 ~~or credit that the customer receives for net electricity~~
11 ~~shall be at a rate equal to the customer's energy supply~~
12 ~~rate.~~ The customer remains responsible for the gross
13 amount of delivery services charges, supply-related
14 charges that are kilowatt based, and all taxes and fees
15 related to such charges. The customer also remains
16 responsible for all taxes and fees that would otherwise be
17 applicable to the net amount of electricity used by the
18 customer. Paragraphs (1) and (2) of this subsection (n)
19 shall not be construed to prevent an arms-length agreement
20 between an electricity provider and an eligible customer
21 that sets forth different prices, terms, and conditions
22 for the provision of net metering service, including, but
23 not limited to, the provision of the appropriate metering
24 equipment for non-residential customers. Nothing in this
25 paragraph (3) shall be interpreted to mandate that a
26 utility that is only required to provide delivery services

1 to a given customer must also sell electricity to such
2 customer.

3 (o) Within 90 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, each electric
5 utility subject to this Section shall file a tariff, which
6 shall, consistent with the provisions of this Section, propose
7 the terms and conditions under which a customer may
8 participate in net metering. The tariff for electric utilities
9 serving more than 200,000 customers as of January 1, 2021
10 shall also provide a streamlined and transparent bill
11 crediting system for net metering to be managed by the
12 electric utilities. The terms and conditions shall include,
13 but are not limited to, that an electric utility shall manage
14 and maintain billing of net metering credits and charges
15 regardless of if the eligible customer takes net metering
16 under an electric utility or alternative retail electric
17 supplier. The electric utility serving more than 200,000
18 customers as of January 1, 2021 shall process and approve all
19 net metering applications, even if an eligible customer is
20 served by an alternative retail electric supplier; and the
21 utility shall forward application approval to the appropriate
22 alternative retail electric supplier. Eligibility for net
23 metering shall remain with the owner of the utility billing
24 address such that, if an eligible renewable electrical
25 generating facility changes ownership, the net metering
26 eligibility transfers to the new owner. The electric utility

1 servicing more than 200,000 customers as of January 1, 2021
2 shall manage net metering billing for eligible customers to
3 ensure full crediting occurs on electricity bills, including,
4 but not limited to, ensuring net metering crediting begins
5 upon commercial operation date, net metering billing transfers
6 immediately if an eligible customer switches from an electric
7 utility to alternative retail electric supplier or vice versa,
8 and net metering billing transfers between ownership of a
9 valid billing address. All transfers referenced in the
10 preceding sentence shall include transfer of all banked
11 credits. All electric utilities serving 200,000 or fewer
12 customers as of January 1, 2021 shall manage net metering
13 billing for eligible customers receiving power and energy
14 service from the electric utility to ensure full crediting
15 occurs on electricity bills, ensuring net metering crediting
16 begins upon commercial operation date, net metering billing
17 transfers immediately if an eligible customer switches from an
18 electric utility to alternative retail electric supplier or
19 vice versa, and net metering billing transfers between
20 ownership of a valid billing address. Alternative retail
21 electric suppliers providing power and energy service to
22 eligible customers located within the service territory of an
23 electric utility serving 200,000 or fewer customers as of
24 January 1, 2021 shall manage net metering billing for eligible
25 customers to ensure full crediting occurs on electricity
26 bills, including, but not limited to, ensuring net metering

1 crediting begins upon commercial operation date, net metering
2 billing transfers immediately if an eligible customer switches
3 from an electric utility to alternative retail electric
4 supplier or vice versa, and net metering billing transfers
5 between ownership of a valid billing address.

6 (Source: P.A. 99-906, eff. 6-1-17.)

7 (220 ILCS 5/16-107.6)

8 Sec. 16-107.6. Distributed generation rebate.

9 (a) In this Section:

10 "Additive services" means the services that distributed
11 energy resources provide to the energy system and society that
12 are not (1) already included in the base rebates for
13 system-wide grid services; or (2) otherwise already
14 compensated. Additive services may reflect, but shall not be
15 limited to, any geographic, time-based, performance-based, and
16 other benefits of distributed energy resources, as well as the
17 present and future technological capabilities of distributed
18 energy resources and present and future grid needs.

19 "Distributed energy resource" means a wide range of
20 technologies that are located on the customer side of the
21 customer's electric meter, including, but not limited to,
22 distributed generation, energy storage, electric vehicles, and
23 demand response technologies.

24 "Energy storage system" means commercially available
25 technology that is capable of absorbing energy and storing it

1 for a period of time for use at a later time, including, but
2 not limited to, electrochemical, thermal, and
3 electromechanical technologies, and may be interconnected
4 behind the customer's meter or interconnected behind its own
5 meter.

6 "Smart inverter" means a device that converts direct
7 current into alternating current and meets the IEEE 1547-2018
8 equipment standards. Until devices that meet the IEEE
9 1547-2018 standard are available, devices that meet the UL
10 1741 SA standard are acceptable. ~~can autonomously contribute~~
11 ~~to grid support during excursions from normal operating~~
12 ~~voltage and frequency conditions by providing each of the~~
13 ~~following: dynamic reactive and real power support, voltage~~
14 ~~and frequency ride through, ramp rate controls, communication~~
15 ~~systems with ability to accept external commands, and other~~
16 ~~functions from the electric utility.~~

17 "Subscriber" has the meaning set forth in Section 1-10 of
18 the Illinois Power Agency Act.

19 "Subscription" has the meaning set forth in Section 1-10
20 of the Illinois Power Agency Act.

21 "System-wide grid services" means the benefits that a
22 distributed energy resource provides to the distribution grid
23 for a period of no less than 25 years. System-wide grid
24 services do not vary by location, time, or the performance
25 characteristics of the distributed energy resource.
26 System-wide grid services include, but are not limited to,

1 avoided or deferred distribution capacity costs, resilience
2 and reliability benefits, avoided or deferred distribution
3 operation and maintenance costs, distribution voltage and
4 power quality benefits, and line loss reductions.

5 "Threshold date" means December 31, 2024 or the date on
6 which the utility's tariff or tariffs setting the new
7 compensation values established under subsection (e) take
8 effect, whichever is later. ~~the load of an electricity~~
9 ~~provider's net metering customers equals 5% of the total peak~~
10 ~~demand supplied by that electricity provider during the~~
11 ~~previous year, as specified under subsection (j) of Section~~
12 ~~16-107.5 of this Act.~~

13 (b) An electric utility that serves more than 200,000
14 customers in the State shall file a petition with the
15 Commission requesting approval of the utility's tariff to
16 provide a rebate to the owner or operator of a retail customer
17 ~~who owns or operates~~ distributed generation, including
18 third-party owned systems, that meets the following criteria:

19 (1) has a nameplate generating capacity no greater
20 than 5,000 ~~2,000~~ kilowatts and is primarily used to offset
21 a ~~that~~ customer's electricity load;

22 (2) is located on the customer's side of the billing
23 meter and premises, ~~for the customer's own use, and not~~
24 ~~for commercial use or sales, including, but not limited~~
25 ~~to, wholesale sales of electric power and energy;~~

26 ~~(3) is located in the electric utility's service~~

1 ~~territory; and~~

2 (3) (4) is interconnected to electric distribution
3 facilities owned by the electric utility under rules
4 adopted by the Commission by means of the inverter or
5 smart inverter required by this Section, as applicable.

6 For purposes of this Section, "distributed generation"
7 shall satisfy the definition of distributed renewable energy
8 generation device set forth in Section 1-10 of the Illinois
9 Power Agency Act to the extent such definition is consistent
10 with the requirements of this Section.

11 In addition, any new photovoltaic distributed generation
12 that is installed after June 1, 2017 (the effective date of
13 Public Act 99-906) ~~this amendatory Act of the 99th General~~
14 ~~Assembly~~ must be installed by a qualified person, as defined
15 by subsection (i) of Section 1-56 of the Illinois Power Agency
16 Act.

17 The tariff shall include a base rebate that compensates
18 distributed generation for the system-wide grid services
19 associated with distributed generation and, after the
20 proceeding described in subsection (e) of this Section, an
21 additional payment or payments for the additive services. The
22 tariff shall provide that the smart inverter associated with
23 the distributed generation shall provide autonomous response
24 to grid conditions through its default settings as approved by
25 the Commission. Default settings may not be changed after the
26 execution of the interconnection agreement except by mutual

1 agreement between the utility and the owner or operator of the
2 distributed generation. ~~provide that the utility shall be~~
3 ~~permitted to operate and control the smart inverter associated~~
4 ~~with the distributed generation that is the subject of the~~
5 ~~rebate for the purpose of preserving reliability during~~
6 ~~distribution system reliability events and shall address the~~
7 ~~terms and conditions of the operation and the compensation~~
8 ~~associated with the operation.~~ Nothing in this Section shall
9 negate or supersede Institute of Electrical and Electronics
10 Engineers equipment interconnection requirements or standards
11 or other similar standards or requirements. The tariff shall
12 not limit the ability of the smart inverter or other
13 distributed energy resource to provide wholesale market
14 products such as regulation, demand response, or other
15 services, or limit the ability of the owner of the smart
16 inverter or the other distributed energy resource to receive
17 compensation for providing those wholesale market products or
18 services. ~~The tariff shall also provide for additional uses of~~
19 ~~the smart inverter that shall be separately compensated and~~
20 ~~which may include, but are not limited to, voltage and VAR~~
21 ~~support, regulation, and other grid services. As part of the~~
22 ~~proceeding described in subsection (c) of this Section, the~~
23 ~~Commission shall review and determine whether smart inverters~~
24 ~~can provide any additional uses or services. If the Commission~~
25 ~~determines that an additional use or service would be~~
26 ~~beneficial, the Commission shall determine the terms and~~

1 ~~conditions of the operation and how the use or service should~~
2 ~~be separately compensated.~~

3 (b-5) Within 30 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, each electric
5 public utility with 3,000,000 or more retail customers shall
6 file a tariff with the Commission that further compensates any
7 retail customer that installs or has installed photovoltaic
8 facilities paired with energy storage facilities on or
9 adjacent to its premises for the benefits the facilities
10 provide to the distribution grid. The tariff shall provide
11 that, in addition to the other rebates identified in this
12 Section, the electric utility shall rebate to such retail
13 customer (i) the previously incurred and future costs of
14 installing interconnection facilities and related
15 infrastructure to enable full participation in the PJM
16 Interconnection, LLC or its successor organization frequency
17 regulation market; and (ii) all wholesale demand charges
18 incurred after the effective date of this amendatory Act of
19 the 102nd General Assembly. The Commission shall approve, or
20 approve with modification, the tariff within 120 days after
21 the utility's filing.

22 (c) The proposed tariff authorized by subsection (b) of
23 this Section shall include the following participation terms
24 for and formulae to calculate the value of the rebates to be
25 applied under this Section for distributed generation that
26 satisfies the criteria set forth in subsection (b) of this

1 Section:

2 (1) The owner or operator of distributed generation
3 that services ~~(1) Until the utility files its tariff or~~
4 ~~tariffs to place into effect the rebate values established~~
5 ~~by the Commission under subsection (c) of this Section,~~
6 ~~non-residential~~ customers not eligible for net metering
7 under subsection (d), (d-5), or (e) of Section 16-107.5 of
8 this Act that are taking service under a net metering
9 program offered by an electricity provider under the terms
10 of Section 16-107.5 of this Act may apply for a rebate as
11 provided for in this Section. Until the threshold date,
12 the ~~The~~ value of the rebate shall be \$250 per kilowatt of
13 nameplate generating capacity, measured as nominal DC
14 power output, of that a non-residential customer's
15 distributed generation. To the extent the distributed
16 generation also has an associated energy storage, then the
17 energy storage system shall be separately compensated with
18 a base rebate of \$250 per kilowatt-hour of nameplate
19 capacity. Any distributed generation device that is
20 compensated for storage in this subsection (1) before the
21 threshold date shall participate in one or more programs
22 determined through the Multi-Year Integrated Grid Planning
23 process that are designed to meet peak reduction and
24 flexibility. After the threshold date, the value of the
25 base rebate and additional compensation for any additive
26 services shall be as determined by the Commission in the

1 proceeding described in subsection (e) of this Section,
2 provided that the value of the base rebate for system-wide
3 grid services shall not be lower than \$250 per kilowatt of
4 nameplate generating capacity of distributed generation or
5 community renewable generation project.

6 (2) The owner or operator of distributed generation
7 that, before the threshold date, would have been eligible
8 for net metering under subsection (d), (d-5), or (e) of
9 Section 16-107.5 of this Act and that has not previously
10 received a distributed generation rebate, may apply for a
11 rebate as provided for in this Section. Until the
12 threshold date, the value of the base rebate shall be \$300
13 per kilowatt of nameplate generating capacity, measured as
14 nominal DC power output, of the distributed generation.
15 The owner or operator of distributed generation that,
16 before the threshold date, is eligible for net metering
17 under subsection (d), (d-5), or (e) of Section 16-107.5 of
18 this Act may apply for a base rebate for an energy storage
19 device that uses the same smart inverter as the
20 distributed generation, regardless of whether the
21 distributed generation applies for a rebate for the
22 distributed generation device. The energy storage system
23 shall be separately compensated at a base payment of \$300
24 per kilowatt-hour of nameplate capacity. Any distributed
25 generation device that is compensated for storage in this
26 subsection (2) before the threshold date shall participate

1 in a peak time rebate program, hourly pricing program, or
2 time-of-use rate program offered by the applicable
3 electric utility. After the threshold date, the value of
4 the base rebate and additional compensation for any
5 additive services shall be as determined by the Commission
6 in the proceeding described in subsection (e) of this
7 Section, provided that, prior to December 31, 2029, the
8 value of the base rebate for system-wide services shall
9 not be lower than \$300 per kilowatt of nameplate
10 generating capacity of distributed generation, after which
11 it shall not be lower than \$250 per kilowatt of nameplate
12 capacity.

13 ~~(2) After the utility's tariff or tariffs setting the~~
14 ~~new rebate values established under subsection (d) of this~~
15 ~~Section take effect, retail customers may, as applicable,~~
16 ~~make the following elections:~~

17 ~~(A) Residential customers that are taking service~~
18 ~~under a net metering program offered by an electricity~~
19 ~~provider under the terms of Section 16 107.5 of this~~
20 ~~Act on the threshold date may elect to either continue~~
21 ~~to take such service under the terms of such program as~~
22 ~~in effect on such threshold date for the useful life of~~
23 ~~the customer's eligible renewable electric generating~~
24 ~~facility as defined in such Section, or file an~~
25 ~~application to receive a rebate under the terms of~~
26 ~~this Section, provided that such application must be~~

1 ~~submitted within 6 months after the effective date of~~
2 ~~the tariff approved under subsection (d) of this~~
3 ~~Section. The value of the rebate shall be the amount~~
4 ~~established by the Commission and reflected in the~~
5 ~~utility's tariff pursuant to subsection (e) of this~~
6 ~~Section.~~

7 ~~(B) Non residential customers that are taking~~
8 ~~service under a net metering program offered by an~~
9 ~~electricity provider under the terms of Section~~
10 ~~16 107.5 of this Act on the threshold date may apply~~
11 ~~for a rebate as provided for in this Section. The value~~
12 ~~of the rebate shall be the amount established by the~~
13 ~~Commission and reflected in the utility's tariff~~
14 ~~pursuant to subsection (e) of this Section.~~

15 (3) Upon approval of a rebate application submitted
16 under this subsection (c), the retail customer shall no
17 longer be entitled to receive any delivery service credits
18 for the excess electricity generated by its facility and
19 shall be subject to the provisions of subsection (n) of
20 Section 16-107.5 of this Act.

21 (4) To be eligible for a rebate described in this
22 subsection (c), the owner or operator of the distributed
23 generation ~~customers who begin taking service after the~~
24 ~~effective date of this amendatory Act of the 99th General~~
25 ~~Assembly under a net metering program offered by an~~
26 ~~electricity provider under the terms of Section 16 107.5~~

1 ~~of this Act~~ must have a smart inverter installed and in
2 operation on the ~~associated with the customer's~~
3 distributed generation.

4 (d) The Commission shall review the proposed tariff
5 authorized by subsection ~~submitted under subsections~~ (b) and
6 ~~(c)~~ of this Section and may make changes to the tariff that are
7 consistent with this Section and with the Commission's
8 authority under Article IX of this Act, subject to notice and
9 hearing. Following notice and hearing, the Commission shall
10 issue an order approving, or approving with modification, such
11 tariff no later than 240 days after the utility files its
12 tariff. Upon the effective date of this amendatory Act of the
13 102nd General Assembly, an electric utility shall file a
14 petition with the Commission to amend and update any existing
15 tariffs to comply with subsections (b) and (c).

16 (e) By no later than June 30, 2023, ~~when the total~~
17 ~~generating capacity of the electricity provider's net metering~~
18 ~~customers is equal to 3%,~~ the Commission shall open an
19 independent, statewide investigation into the value of, and
20 compensation for, distributed energy resources. The Commission
21 shall conduct the investigation, but may arrange for experts
22 or consultants independent of the utilities and selected by
23 the Commission to assist with the investigation. The cost of
24 the investigation shall be shared by the utilities filing
25 tariffs under subsection (b) of this Section but may be
26 recovered as an expense through normal ratemaking procedures.

1 ~~an annual process and formula for calculating the value of~~
2 ~~rebates for the retail customers described in subsections (b)~~
3 ~~and (f) of this Section that submit rebate applications after~~
4 ~~the threshold date for an electric utility that elected to~~
5 ~~file a tariff pursuant to this Section.~~

6 (1) The Commission shall ensure that the investigation
7 includes, at minimum, diverse sets of stakeholders; a
8 review of best practices in calculating the value of
9 distributed energy resource benefits; a review of the full
10 value of the distributed energy resources and the manner
11 in which each component of that value is or is not
12 otherwise compensated; and assessments of how the value of
13 distributed energy resources may evolve based on the
14 present and future technological capabilities of
15 distributed energy resources and based on present and
16 future grid needs.

17 (2) The Commission's final order concluding this
18 investigation shall establish an annual process and
19 formula for the compensation of distributed generation and
20 energy storage systems, and an initial set of inputs for
21 that formula. The Commission's final order concluding this
22 investigation shall establish base rebates that compensate
23 distributed generation, community renewable generation
24 projects and energy storage systems for the system-wide
25 grid services that they provide. Those base rebate values
26 shall be consistent across the state, and shall not vary

1 by customer, customer class, customer location, or any
2 other variable. With respect to rebates for distributed
3 generation or community renewable generation projects,
4 that rebate shall not be lower than \$250 per kilowatt of
5 nameplate generating capacity of the distributed
6 generation or community renewable generation project. The
7 Commission's final order concluding this proceeding shall
8 also direct the utilities to update the formula, on an
9 annual basis, with inputs derived from their integrated
10 grid plans developed pursuant to Section 16-105.17. The
11 base rebate shall be updated annually based on the annual
12 updates to the formula inputs, but, with respect to
13 rebates for distributed generation or community renewable
14 generation projects, shall be no lower than \$250 per
15 kilowatt of nameplate generating capacity of the
16 distributed generation or community renewable generation
17 project.

18 (3) The Commission shall also determine, as a part of
19 its investigation under this subsection, whether
20 distributed energy resources can provide any additive
21 services. Those additive services may include services
22 that are provided through utility-controlled responses to
23 grid conditions. If the Commission determines that
24 distributed energy resources can provide additive grid
25 services, the Commission shall determine the terms and
26 conditions for the operation and compensation of those

1 services. That compensation shall be above and beyond the
2 base rebate that the distributed energy generation,
3 community renewable generation project and energy storage
4 system receives. Compensation for additive services may
5 vary by location, time, performance characteristics,
6 technology types, or other variables.

7 (4) The Commission shall ensure that compensation for
8 distributed energy resources, including base rebates and
9 any payments for additive services, shall reflect all
10 reasonably known and measurable values of the distributed
11 generation over its full expected useful life.
12 Compensation for additive services shall reflect, but
13 shall not be limited to, any geographic, time-based,
14 performance-based, and other benefits of distributed
15 generation, as well as the present and future
16 technological capabilities of distributed energy resources
17 and present and future grid needs.

18 (5) The Commission shall consider the electric
19 utility's integrated grid plan developed pursuant to
20 Section 16-105.17 of this Act to help identify the value
21 of distributed energy resources for the purpose of
22 calculating the compensation described in this subsection.

23 (6) The Commission shall determine additional
24 compensation for distributed energy resources that creates
25 savings and value on the distribution system by being
26 co-located or in close proximity to electric vehicle

1 charging infrastructure in use by medium-duty and
2 heavy-duty vehicles, primarily serving environmental
3 justice communities, as outlined in the utility integrated
4 grid planning process under Section 16-105.17 of this Act.

5 No later than 60 days after the Commission enters its
6 final order under this subsection (e), each utility shall file
7 its updated tariff or tariffs in compliance with the order,
8 including new tariffs for the recovery of costs incurred under
9 this subsection (e) that shall provide for volumetric-based
10 cost recovery, and the Commission shall approve, or approve
11 with modification, the tariff or tariffs within 240 days after
12 the utility's filing.

13 ~~The investigation shall include diverse sets of~~
14 ~~stakeholders, calculations for valuing distributed energy~~
15 ~~resource benefits to the grid based on best practices, and~~
16 ~~assessments of present and future technological capabilities~~
17 ~~of distributed energy resources. The value of such rebates~~
18 ~~shall reflect the value of the distributed generation to the~~
19 ~~distribution system at the location at which it is~~
20 ~~interconnected, taking into account the geographic,~~
21 ~~time-based, and performance-based benefits, as well as~~
22 ~~technological capabilities and present and future grid needs.~~
23 ~~No later than 10 days after the Commission enters its final~~
24 ~~order under this subsection (e), the utility shall file its~~
25 ~~tariff or tariffs in compliance with the order, and the~~
26 ~~Commission shall approve, or approve with modification, the~~

1 ~~tariff or tariffs within 45 days after the utility's filing.~~
2 ~~For those rebate applications filed after the threshold date~~
3 ~~but before the utility's tariff or tariffs filed pursuant to~~
4 ~~this subsection (c) take effect, the value of the rebate shall~~
5 ~~remain at the value established in subsection (c) of this~~
6 ~~Section until the tariff is approved.~~

7 (f) Notwithstanding any provision of this Act to the
8 contrary, the owner or operator, ~~developer, or subscriber~~ of
9 a community renewable generation project as defined in Section
10 1-10 of the Illinois Power Agency Act ~~facility that is part of~~
11 ~~a net metering program provided under subsection (1) of~~
12 ~~Section 16-107.5~~ shall also be eligible to apply for the
13 rebate described in this Section. The owner or operator of the
14 community renewable ~~A subscriber to the generation project~~
15 ~~facility~~ may apply for a rebate ~~in the amount of the~~
16 ~~subscriber's subscription~~ only if the owner or operator, or
17 previous owner or operator, of the community renewable
18 generation project, ~~developer, or previous subscriber to the~~
19 ~~same panel or panels~~ has not already submitted an application,
20 and, regardless of whether the subscriber is a residential or
21 non-residential customer, may be allowed the amount identified
22 in paragraph (1) of subsection (c) ~~or in subsection (e) of this~~
23 ~~Section~~ applicable ~~to such customer~~ on the date that the
24 application is submitted. ~~An application for a rebate for a~~
25 ~~portion of a project described in this subsection (f) may be~~
26 ~~submitted at or after the time that a related request for net~~

1 ~~metering is made.~~

2 (g) The owner of the distributed generation or community
3 renewable generation project may apply for the rebate or
4 rebates approved under this Section at the time of execution
5 of an interconnection agreement with the distribution utility
6 and shall receive the value available at that time of
7 execution of the interconnection agreement, provided the
8 project reaches mechanical completion within 24 months after
9 execution of the interconnection agreement. If the project has
10 not reached mechanical completion within 24 months after
11 execution, the owner may reapply for the rebate or rebates
12 approved under this Section available at the time of
13 application and shall receive the value available at the time
14 of application. The utility shall issue the rebate no ~~no~~ later
15 than 60 days after the project is energized. ~~utility receives~~
16 ~~an application for a rebate under its tariff approved under~~
17 ~~subsection (d) or (e) of this Section, the utility shall issue~~
18 ~~a rebate to the applicant under the terms of the tariff. In the~~
19 event the application is incomplete or the utility is
20 otherwise unable to calculate the payment based on the
21 information provided by the owner, the utility shall issue the
22 payment no later than 60 days after the application is
23 complete or all requested information is received.

24 (h) An electric utility shall recover from its retail
25 customers all of the costs of the rebates made under a tariff
26 or tariffs approved under subsection (d) of ~~placed into effect~~

1 ~~under~~ this Section, including, but not limited to, the value
2 of the rebates and all costs incurred by the utility to comply
3 with and implement subsections (b) and (c) of this Section,
4 but not including costs incurred by the utility to comply with
5 and implement subsection (e) of this Section, consistent with
6 the following provisions:

7 (1) The utility shall defer the full amount of its
8 costs ~~incurred under this Section~~ as a regulatory asset.
9 The total costs deferred as a regulatory asset shall be
10 amortized over a 15-year period. The unamortized balance
11 shall be recognized as of December 31 for a given year. The
12 utility shall also earn a return on the total of the
13 unamortized balance of the regulatory assets, less any
14 deferred taxes related to the unamortized balance, at an
15 annual rate equal to the utility's weighted average cost
16 of capital that includes, based on a year-end capital
17 structure, the utility's actual cost of debt for the
18 applicable calendar year and a cost of equity, which shall
19 be calculated as the sum of (i) the average for the
20 applicable calendar year of the monthly average yields of
21 30-year U.S. Treasury bonds published by the Board of
22 Governors of the Federal Reserve System in its weekly H.15
23 Statistical Release or successor publication; and (ii) 580
24 basis points, including a revenue conversion factor
25 calculated to recover or refund all additional income
26 taxes that may be payable or receivable as a result of that

1 return.

2 When an electric utility creates a regulatory asset
3 under the provisions of this paragraph (1) of subsection
4 (h) Section, the costs are recovered over a period during
5 which customers also receive a benefit, which is in the
6 public interest. Accordingly, it is the intent of the
7 General Assembly that an electric utility that elects to
8 create a regulatory asset under the provisions of this
9 paragraph (1) Section shall recover all of the associated
10 costs, including, but not limited to, its cost of capital
11 as set forth in this paragraph (1) Section. After the
12 Commission has approved the prudence and reasonableness of
13 the costs that comprise the regulatory asset, the electric
14 utility shall be permitted to recover all such costs, and
15 the value and recoverability through rates of the
16 associated regulatory asset shall not be limited, altered,
17 impaired, or reduced. To enable the financing of the
18 incremental capital expenditures, including regulatory
19 assets, for electric utilities that serve less than
20 3,000,000 retail customers but more than 500,000 retail
21 customers in the State, the utility's actual year-end
22 capital structure that includes a common equity ratio,
23 excluding goodwill, of up to and including 50% of the
24 total capital structure shall be deemed reasonable and
25 used to set rates.

26 (2) The utility, at its election, may recover all of

1 the costs ~~it incurs under this Section~~ as part of a filing
2 for a general increase in rates under Article IX of this
3 Act, as part of an annual filing to update a
4 performance-based formula rate under subsection (d) of
5 Section 16-108.5 of this Act, or through an automatic
6 adjustment clause tariff, provided that nothing in this
7 paragraph (2) permits the double recovery of such costs
8 from customers. If the utility elects to recover the costs
9 it incurs under subsections (b) and (c) ~~this Section~~
10 through an automatic adjustment clause tariff, the utility
11 may file its proposed tariff together with the tariff it
12 files under subsection (b) of this Section or at a later
13 time. The proposed tariff shall provide for an annual
14 reconciliation, less any deferred taxes related to the
15 reconciliation, with interest at an annual rate of return
16 equal to the utility's weighted average cost of capital as
17 calculated under paragraph (1) of this subsection (h),
18 including a revenue conversion factor calculated to
19 recover or refund all additional income taxes that may be
20 payable or receivable as a result of that return, of the
21 revenue requirement reflected in rates for each calendar
22 year, beginning with the calendar year in which the
23 utility files its automatic adjustment clause tariff under
24 this subsection (h), with what the revenue requirement
25 would have been had the actual cost information for the
26 applicable calendar year been available at the filing

1 date. The Commission shall review the proposed tariff and
2 may make changes to the tariff that are consistent with
3 this Section and with the Commission's authority under
4 Article IX of this Act, subject to notice and hearing.
5 Following notice and hearing, the Commission shall issue
6 an order approving, or approving with modification, such
7 tariff no later than 240 days after the utility files its
8 tariff.

9 (i) An electric utility shall recover from its retail
10 customers, on a volumetric basis, all of the costs of the
11 rebates made under a tariff or tariffs placed into effect
12 under subsection (e) of this Section, including, but not
13 limited to, the value of the rebates and all costs incurred by
14 the utility to comply with and implement subsection (e) of
15 this Section, consistent with the following provisions:

16 (1) The utility may defer a portion of its costs as a
17 regulatory asset. The Commission shall determine the
18 portion that may be appropriately deferred as a regulatory
19 asset. Factors that the Commission shall consider in
20 determining the portion of costs that shall be deferred as
21 a regulatory asset include, but are not limited to: (i)
22 whether and the extent to which a cost effectively
23 deferred or avoided other distribution system operating
24 costs or capital expenditures; (ii) the extent to which a
25 cost provides environmental benefits; (iii) the extent to
26 which a cost improves system reliability or resilience;

1 (iv) the electric utility's distribution system plan
2 developed pursuant to Section 16-105.17 of this Act; (v)
3 the extent to which a cost advances equity principles; and
4 (vi) such other factors as the Commission deems
5 appropriate. The remainder of costs shall be deemed an
6 operating expense and shall be recoverable if found
7 prudent and reasonable by the Commission.

8 The total costs deferred as a regulatory asset shall be
9 amortized over a 15-year period. The unamortized balance shall
10 be recognized as of December 31 for a given year. The utility
11 shall also earn a return on the total of the unamortized
12 balance of the regulatory assets, less any deferred taxes
13 related to the unamortized balance, at an annual rate equal to
14 the utility's weighted average cost of capital that includes,
15 based on a year-end capital structure, the utility's actual
16 cost of debt for the applicable calendar year and a cost of
17 equity, which shall be calculated as the sum of: (I) the
18 average for the applicable calendar year of the monthly
19 average yields of 30-year U.S. Treasury bonds published by the
20 Board of Governors of the Federal Reserve System in its weekly
21 H.15 Statistical Release or successor publication; and (II)
22 580 basis points, including a revenue conversion factor
23 calculated to recover or refund all additional income taxes
24 that may be payable or receivable as a result of that return.

25 (2) The utility may recover all of the costs through
26 an automatic adjustment clause tariff, on a volumetric

1 basis. The utility may file its proposed cost-recovery
2 tariff together with the tariff it files under subsection
3 (e) of this Section or at a later time. The proposed tariff
4 shall provide for an annual reconciliation, less any
5 deferred taxes related to the reconciliation, with
6 interest at an annual rate of return equal to the
7 utility's weighted average cost of capital as calculated
8 under paragraph (1) of this subsection (i), including a
9 revenue conversion factor calculated to recover or refund
10 all additional income taxes that may be payable or
11 receivable as a result of that return, of the revenue
12 requirement reflected in rates for each calendar year,
13 beginning with the calendar year in which the utility
14 files its automatic adjustment clause tariff under this
15 subsection (i), with what the revenue requirement would
16 have been had the actual cost information for the
17 applicable calendar year been available at the filing
18 date. The Commission shall review the proposed tariff and
19 may make changes to the tariff that are consistent with
20 this Section and with the Commission's authority under
21 Article IX of this Act, subject to notice and hearing.
22 Following notice and hearing, the Commission shall issue
23 an order approving, or approving with modification, such
24 tariff no later than 240 days after the utility files its
25 tariff.

26 (j) ~~(i)~~ No later than 90 days after the Commission enters

1 an order, or order on rehearing, whichever is later, approving
2 an electric utility's proposed tariff under ~~subsection (d) of~~
3 this Section, the electric utility shall provide notice of the
4 availability of rebates under this Section. ~~Subsequent to the~~
5 ~~utility's notice, any entity that offers in the State, for~~
6 ~~sale or lease, distributed generation and estimates the dollar~~
7 ~~saving attributable to such distributed generation shall~~
8 ~~provide estimates based on both delivery service credits and~~
9 ~~the rebates available under this Section.~~

10 (Source: P.A. 99-906, eff. 6-1-17.)

11 (220 ILCS 5/16-108)

12 Sec. 16-108. Recovery of costs associated with the
13 provision of delivery and other services.

14 (a) An electric utility shall file a delivery services
15 tariff with the Commission at least 210 days prior to the date
16 that it is required to begin offering such services pursuant
17 to this Act. An electric utility shall provide the components
18 of delivery services that are subject to the jurisdiction of
19 the Federal Energy Regulatory Commission at the same prices,
20 terms and conditions set forth in its applicable tariff as
21 approved or allowed into effect by that Commission. The
22 Commission shall otherwise have the authority pursuant to
23 Article IX to review, approve, and modify the prices, terms
24 and conditions of those components of delivery services not
25 subject to the jurisdiction of the Federal Energy Regulatory

1 Commission, including the authority to determine the extent to
2 which such delivery services should be offered on an unbundled
3 basis. In making any such determination the Commission shall
4 consider, at a minimum, the effect of additional unbundling on
5 (i) the objective of just and reasonable rates, (ii) electric
6 utility employees, and (iii) the development of competitive
7 markets for electric energy services in Illinois.

8 (b) The Commission shall enter an order approving, or
9 approving as modified, the delivery services tariff no later
10 than 30 days prior to the date on which the electric utility
11 must commence offering such services. The Commission may
12 subsequently modify such tariff pursuant to this Act.

13 (c) The electric utility's tariffs shall define the
14 classes of its customers for purposes of delivery services
15 charges. Delivery services shall be priced and made available
16 to all retail customers electing delivery services in each
17 such class on a nondiscriminatory basis regardless of whether
18 the retail customer chooses the electric utility, an affiliate
19 of the electric utility, or another entity as its supplier of
20 electric power and energy. Charges for delivery services shall
21 be cost based, and shall allow the electric utility to recover
22 the costs of providing delivery services through its charges
23 to its delivery service customers that use the facilities and
24 services associated with such costs. Such costs shall include
25 the costs of owning, operating and maintaining transmission
26 and distribution facilities. The Commission shall also be

1 authorized to consider whether, and if so to what extent, the
2 following costs are appropriately included in the electric
3 utility's delivery services rates: (i) the costs of that
4 portion of generation facilities used for the production and
5 absorption of reactive power in order that retail customers
6 located in the electric utility's service area can receive
7 electric power and energy from suppliers other than the
8 electric utility, and (ii) the costs associated with the use
9 and redispatch of generation facilities to mitigate
10 constraints on the transmission or distribution system in
11 order that retail customers located in the electric utility's
12 service area can receive electric power and energy from
13 suppliers other than the electric utility. Nothing in this
14 subsection shall be construed as directing the Commission to
15 allocate any of the costs described in (i) or (ii) that are
16 found to be appropriately included in the electric utility's
17 delivery services rates to any particular customer group or
18 geographic area in setting delivery services rates.

19 (d) The Commission shall establish charges, terms and
20 conditions for delivery services that are just and reasonable
21 and shall take into account customer impacts when establishing
22 such charges. In establishing charges, terms and conditions
23 for delivery services, the Commission shall take into account
24 voltage level differences. A retail customer shall have the
25 option to request to purchase electric service at any delivery
26 service voltage reasonably and technically feasible from the

1 electric facilities serving that customer's premises provided
2 that there are no significant adverse impacts upon system
3 reliability or system efficiency. A retail customer shall also
4 have the option to request to purchase electric service at any
5 point of delivery that is reasonably and technically feasible
6 provided that there are no significant adverse impacts on
7 system reliability or efficiency. Such requests shall not be
8 unreasonably denied.

9 (e) Electric utilities shall recover the costs of
10 installing, operating or maintaining facilities for the
11 particular benefit of one or more delivery services customers,
12 including without limitation any costs incurred in complying
13 with a customer's request to be served at a different voltage
14 level, directly from the retail customer or customers for
15 whose benefit the costs were incurred, to the extent such
16 costs are not recovered through the charges referred to in
17 subsections (c) and (d) of this Section.

18 (f) An electric utility shall be entitled but not required
19 to implement transition charges in conjunction with the
20 offering of delivery services pursuant to Section 16-104. If
21 an electric utility implements transition charges, it shall
22 implement such charges for all delivery services customers and
23 for all customers described in subsection (h), but shall not
24 implement transition charges for power and energy that a
25 retail customer takes from cogeneration or self-generation
26 facilities located on that retail customer's premises, if such

1 facilities meet the following criteria:

2 (i) the cogeneration or self-generation facilities
3 serve a single retail customer and are located on that
4 retail customer's premises (for purposes of this
5 subparagraph and subparagraph (ii), an industrial or
6 manufacturing retail customer and a third party contractor
7 that is served by such industrial or manufacturing
8 customer through such retail customer's own electrical
9 distribution facilities under the circumstances described
10 in subsection (vi) of the definition of "alternative
11 retail electric supplier" set forth in Section 16-102,
12 shall be considered a single retail customer);

13 (ii) the cogeneration or self-generation facilities
14 either (A) are sized pursuant to generally accepted
15 engineering standards for the retail customer's electrical
16 load at that premises (taking into account standby or
17 other reliability considerations related to that retail
18 customer's operations at that site) or (B) if the facility
19 is a cogeneration facility located on the retail
20 customer's premises, the retail customer is the thermal
21 host for that facility and the facility has been designed
22 to meet that retail customer's thermal energy requirements
23 resulting in electrical output beyond that retail
24 customer's electrical demand at that premises, comply with
25 the operating and efficiency standards applicable to
26 "qualifying facilities" specified in title 18 Code of

1 Federal Regulations Section 292.205 as in effect on the
2 effective date of this amendatory Act of 1999;

3 (iii) the retail customer on whose premises the
4 facilities are located either has an exclusive right to
5 receive, and corresponding obligation to pay for, all of
6 the electrical capacity of the facility, or in the case of
7 a cogeneration facility that has been designed to meet the
8 retail customer's thermal energy requirements at that
9 premises, an identified amount of the electrical capacity
10 of the facility, over a minimum 5-year period; and

11 (iv) if the cogeneration facility is sized for the
12 retail customer's thermal load at that premises but
13 exceeds the electrical load, any sales of excess power or
14 energy are made only at wholesale, are subject to the
15 jurisdiction of the Federal Energy Regulatory Commission,
16 and are not for the purpose of circumventing the
17 provisions of this subsection (f).

18 If a generation facility located at a retail customer's
19 premises does not meet the above criteria, an electric utility
20 implementing transition charges shall implement a transition
21 charge until December 31, 2006 for any power and energy taken
22 by such retail customer from such facility as if such power and
23 energy had been delivered by the electric utility. Provided,
24 however, that an industrial retail customer that is taking
25 power from a generation facility that does not meet the above
26 criteria but that is located on such customer's premises will

1 not be subject to a transition charge for the power and energy
2 taken by such retail customer from such generation facility if
3 the facility does not serve any other retail customer and
4 either was installed on behalf of the customer and for its own
5 use prior to January 1, 1997, or is both predominantly fueled
6 by byproducts of such customer's manufacturing process at such
7 premises and sells or offers an average of 300 megawatts or
8 more of electricity produced from such generation facility
9 into the wholesale market. Such charges shall be calculated as
10 provided in Section 16-102, and shall be collected on each
11 kilowatt-hour delivered under a delivery services tariff to a
12 retail customer from the date the customer first takes
13 delivery services until December 31, 2006 except as provided
14 in subsection (h) of this Section. Provided, however, that an
15 electric utility, other than an electric utility providing
16 service to at least 1,000,000 customers in this State on
17 January 1, 1999, shall be entitled to petition for entry of an
18 order by the Commission authorizing the electric utility to
19 implement transition charges for an additional period ending
20 no later than December 31, 2008. The electric utility shall
21 file its petition with supporting evidence no earlier than 16
22 months, and no later than 12 months, prior to December 31,
23 2006. The Commission shall hold a hearing on the electric
24 utility's petition and shall enter its order no later than 8
25 months after the petition is filed. The Commission shall
26 determine whether and to what extent the electric utility

1 shall be authorized to implement transition charges for an
2 additional period. The Commission may authorize the electric
3 utility to implement transition charges for some or all of the
4 additional period, and shall determine the mitigation factors
5 to be used in implementing such transition charges; provided,
6 that the Commission shall not authorize mitigation factors
7 less than 110% of those in effect during the 12 months ended
8 December 31, 2006. In making its determination, the Commission
9 shall consider the following factors: the necessity to
10 implement transition charges for an additional period in order
11 to maintain the financial integrity of the electric utility;
12 the prudence of the electric utility's actions in reducing its
13 costs since the effective date of this amendatory Act of 1997;
14 the ability of the electric utility to provide safe, adequate
15 and reliable service to retail customers in its service area;
16 and the impact on competition of allowing the electric utility
17 to implement transition charges for the additional period.

18 (g) The electric utility shall file tariffs that establish
19 the transition charges to be paid by each class of customers to
20 the electric utility in conjunction with the provision of
21 delivery services. The electric utility's tariffs shall define
22 the classes of its customers for purposes of calculating
23 transition charges. The electric utility's tariffs shall
24 provide for the calculation of transition charges on a
25 customer-specific basis for any retail customer whose average
26 monthly maximum electrical demand on the electric utility's

1 system during the 6 months with the customer's highest monthly
2 maximum electrical demands equals or exceeds 3.0 megawatts for
3 electric utilities having more than 1,000,000 customers, and
4 for other electric utilities for any customer that has an
5 average monthly maximum electrical demand on the electric
6 utility's system of one megawatt or more, and (A) for which
7 there exists data on the customer's usage during the 3 years
8 preceding the date that the customer became eligible to take
9 delivery services, or (B) for which there does not exist data
10 on the customer's usage during the 3 years preceding the date
11 that the customer became eligible to take delivery services,
12 if in the electric utility's reasonable judgment there exists
13 comparable usage information or a sufficient basis to develop
14 such information, and further provided that the electric
15 utility can require customers for which an individual
16 calculation is made to sign contracts that set forth the
17 transition charges to be paid by the customer to the electric
18 utility pursuant to the tariff.

19 (h) An electric utility shall also be entitled to file
20 tariffs that allow it to collect transition charges from
21 retail customers in the electric utility's service area that
22 do not take delivery services but that take electric power or
23 energy from an alternative retail electric supplier or from an
24 electric utility other than the electric utility in whose
25 service area the customer is located. Such charges shall be
26 calculated, in accordance with the definition of transition

1 charges in Section 16-102, for the period of time that the
2 customer would be obligated to pay transition charges if it
3 were taking delivery services, except that no deduction for
4 delivery services revenues shall be made in such calculation,
5 and usage data from the customer's class shall be used where
6 historical usage data is not available for the individual
7 customer. The customer shall be obligated to pay such charges
8 on a lump sum basis on or before the date on which the customer
9 commences to take service from the alternative retail electric
10 supplier or other electric utility, provided, that the
11 electric utility in whose service area the customer is located
12 shall offer the customer the option of signing a contract
13 pursuant to which the customer pays such charges ratably over
14 the period in which the charges would otherwise have applied.

15 (i) An electric utility shall be entitled to add to the
16 bills of delivery services customers charges pursuant to
17 Sections 9-221, 9-222 (except as provided in Section 9-222.1),
18 and Section 16-114 of this Act, Section 5-5 of the Electricity
19 Infrastructure Maintenance Fee Law, Section 6-5 of the
20 Renewable Energy, Energy Efficiency, and Coal Resources
21 Development Law of 1997, and Section 13 of the Energy
22 Assistance Act.

23 (i-5) An electric utility required to impose the Coal to
24 Solar and Energy Storage Initiative Charge provided for in
25 subsection (c-5) of Section 1-75 of the Illinois Power Agency
26 Act shall add such charge to the bills of its delivery services

1 customers pursuant to the terms of a tariff conforming to the
2 requirements of subsection (c-5) of Section 1-75 of the
3 Illinois Power Agency Act and this subsection (i-5) and filed
4 with and approved by the Commission. The electric utility
5 shall file its proposed tariff with the Commission on or
6 before July 1, 2022 to be effective, after review and approval
7 or modification by the Commission, beginning January 1, 2023.
8 On or before December 1, 2022, the Commission shall review the
9 electric utility's proposed tariff, including by conducting a
10 docketed proceeding if deemed necessary by the Commission, and
11 shall approve the proposed tariff or direct the electric
12 utility to make modifications the Commission finds necessary
13 for the tariff to conform to the requirements of subsection
14 (c-5) of Section 1-75 of the Illinois Power Agency Act and this
15 subsection (i-5). The electric utility's tariff shall provide
16 for imposition of the Coal to Solar and Energy Storage
17 Initiative Charge on a per-kilowatthour basis to all
18 kilowatthours delivered by the electric utility to its
19 delivery services customers. The tariff shall provide for the
20 calculation of the Coal to Solar and Energy Storage Initiative
21 Charge to be in effect for the year beginning January 1, 2023
22 and each year beginning January 1 thereafter, sufficient to
23 collect the electric utility's estimated payment obligations
24 for the delivery year beginning the following June 1 under
25 contracts for purchase of renewable energy credits entered
26 into pursuant to subsection (c-5) of Section 1-75 of the

1 Illinois Power Agency Act and the obligations of the
2 Department of Commerce and Economic Opportunity, or any
3 successor department or agency, which for purposes of this
4 subsection (i-5) shall be referred to as the Department, to
5 make grant payments during such delivery year from the Coal to
6 Solar and Energy Storage Initiative Fund pursuant to grant
7 contracts entered into pursuant to subsection (c-5) of Section
8 1-75 of the Illinois Power Agency Act, and using the electric
9 utility's kilowatthour deliveries to its delivery services
10 customers during the delivery year ended May 31 of the
11 preceding calendar year. On or before November 1 of each year
12 beginning November 1, 2022, the Department shall notify the
13 electric utilities of the amount of the Department's estimated
14 obligations for grant payments during the delivery year
15 beginning the following June 1 pursuant to grant contracts
16 entered into pursuant to subsection (c-5) of Section 1-75 of
17 the Illinois Power Agency Act; and each electric utility shall
18 incorporate in the calculation of its Coal to Solar and Energy
19 Storage Initiative Charge the fractional portion of the
20 Department's estimated obligations equal to the electric
21 utility's kilowatthour deliveries to its delivery services
22 customers in the delivery year ended the preceding May 31
23 divided by the aggregate deliveries of both electric utilities
24 to delivery services customers in such delivery year. The
25 electric utility shall remit on a monthly basis to the State
26 Treasurer, for deposit in the Coal to Solar and Energy Storage

1 Initiative Fund provided for in subsection (c-5) of Section
2 1-75 of the Illinois Power Agency Act, the electric utility's
3 collections of the Coal to Solar and Energy Storage Initiative
4 Charge estimated to be needed by the Department for grant
5 payments pursuant to grant contracts entered into pursuant to
6 subsection (c-5) of Section 1-75 of the Illinois Power Agency
7 Act. The initial charge under the electric utility's tariff
8 shall be effective for kilowatthours delivered beginning
9 January 1, 2023, and thereafter shall be revised to be
10 effective January 1, 2024 and each January 1 thereafter, based
11 on the payment obligations for the delivery year beginning the
12 following June 1. The tariff shall provide for the electric
13 utility to make an annual filing with the Commission on or
14 before November 15 of each year, beginning in 2023, setting
15 forth the Coal to Solar and Energy Storage Initiative Charge
16 to be in effect for the year beginning the following January 1.
17 The electric utility's tariff shall also provide that the
18 electric utility shall make a filing with the Commission on or
19 before August 1 of each year beginning in 2024 setting forth a
20 reconciliation, for the delivery year ended the preceding May
21 31, of the electric utility's collections of the Coal to Solar
22 and Energy Storage Initiative Charge against actual payments
23 for renewable energy credits pursuant to contracts entered
24 into, and the actual grant payments by the Department pursuant
25 to grant contracts entered into, pursuant to subsection (c-5)
26 of Section 1-75 of the Illinois Power Agency Act. The tariff

1 shall provide that any excess or shortfall of collections to
2 payments shall be deducted from or added to, on a
3 per-kilowatthour basis, the Coal to Solar and Energy Storage
4 Initiative Charge, over the 6-month period beginning October 1
5 of that calendar year.

6 (j) If a retail customer that obtains electric power and
7 energy from cogeneration or self-generation facilities
8 installed for its own use on or before January 1, 1997,
9 subsequently takes service from an alternative retail electric
10 supplier or an electric utility other than the electric
11 utility in whose service area the customer is located for any
12 portion of the customer's electric power and energy
13 requirements formerly obtained from those facilities
14 (including that amount purchased from the utility in lieu of
15 such generation and not as standby power purchases, under a
16 cogeneration displacement tariff in effect as of the effective
17 date of this amendatory Act of 1997), the transition charges
18 otherwise applicable pursuant to subsections (f), (g), or (h)
19 of this Section shall not be applicable in any year to that
20 portion of the customer's electric power and energy
21 requirements formerly obtained from those facilities,
22 provided, that for purposes of this subsection (j), such
23 portion shall not exceed the average number of kilowatt-hours
24 per year obtained from the cogeneration or self-generation
25 facilities during the 3 years prior to the date on which the
26 customer became eligible for delivery services, except as

1 provided in subsection (f) of Section 16-110.

2 (k) The electric utility shall be entitled to recover
3 through tariffed charges all of the costs associated with the
4 purchase of zero emission credits from zero emission
5 facilities to meet the requirements of subsection (d-5) of
6 Section 1-75 of the Illinois Power Agency Act and all of the
7 costs associated with the purchase of carbon mitigation
8 credits from carbon-free energy resources to meet the
9 requirements of subsection (d-10) of Section 1-75 of the
10 Illinois Power Agency Act. Such costs shall include the costs
11 of procuring the zero emission credits and carbon mitigation
12 credits from carbon-free energy resources, as well as the
13 reasonable costs that the utility incurs as part of the
14 procurement processes and to implement and comply with plans
15 and processes approved by the Commission under subsections
16 ~~such subsection~~ (d-5) and (d-10). The costs shall be allocated
17 across all retail customers through a single, uniform cents
18 per kilowatt-hour charge applicable to all retail customers,
19 which shall appear as a separate line item on each customer's
20 bill. Beginning June 1, 2017, the electric utility shall be
21 entitled to recover through tariffed charges all of the costs
22 associated with the purchase of renewable energy resources to
23 meet the renewable energy resource standards of subsection (c)
24 of Section 1-75 of the Illinois Power Agency Act, under
25 procurement plans as approved in accordance with that Section
26 and Section 16-111.5 of this Act. Such costs shall include the

1 costs of procuring the renewable energy resources, as well as
2 the reasonable costs that the utility incurs as part of the
3 procurement processes and to implement and comply with plans
4 and processes approved by the Commission under such Sections.
5 The costs associated with the purchase of renewable energy
6 resources shall be allocated across all retail customers in
7 proportion to the amount of renewable energy resources the
8 utility procures for such customers through a single, uniform
9 cents per kilowatt-hour charge applicable to such retail
10 customers, which shall appear as a separate line item on each
11 such customer's bill. The credits, costs, and penalties
12 associated with the self-direct renewable portfolio standard
13 compliance program described in subparagraph (R) of paragraph
14 (1) of subsection (c) of Section 1-75 of the Illinois Power
15 Agency Act shall be allocated to approved eligible self-direct
16 customers by the utility in a cents per kilowatt-hour credit,
17 cost, or penalty, which shall appear as a separate line item on
18 each such customer's bill.

19 Notwithstanding whether the Commission has approved the
20 initial long-term renewable resources procurement plan as of
21 June 1, 2017, an electric utility shall place new tariffed
22 charges into effect beginning with the June 2017 monthly
23 billing period, to the extent practicable, to begin recovering
24 the costs of procuring renewable energy resources, as those
25 charges are calculated under the limitations described in
26 subparagraph (E) of paragraph (1) of subsection (c) of Section

1 1-75 of the Illinois Power Agency Act. Notwithstanding the
2 date on which the utility places such new tariffed charges
3 into effect, the utility shall be permitted to collect the
4 charges under such tariff as if the tariff had been in effect
5 beginning with the first day of the June 2017 monthly billing
6 period. For the delivery years commencing June 1, 2017, June
7 1, 2018, ~~and~~ June 1, 2019, and each delivery year thereafter,
8 the electric utility shall deposit into a separate interest
9 bearing account of a financial institution the monies
10 collected under the tariffed charges. Money collected from
11 customers for the procurement of renewable energy resources in
12 a given delivery year may be spent by the utility for the
13 procurement of renewable resources over any of the following 5
14 delivery years, after which unspent money shall be credited
15 back to retail customers. The electric utility shall spend all
16 money collected in earlier delivery years that has not yet
17 been returned to customers, first, before spending money
18 collected in later delivery years. Any interest earned shall
19 be credited back to retail customers under the reconciliation
20 proceeding provided for in this subsection (k), provided that
21 the electric utility shall first be reimbursed from the
22 interest for the administrative costs that it incurs to
23 administer and manage the account. Any taxes due on the funds
24 in the account, or interest earned on it, will be paid from the
25 account or, if insufficient monies are available in the
26 account, from the monies collected under the tariffed charges

1 to recover the costs of procuring renewable energy resources.
2 Monies deposited in the account shall be subject to the
3 review, reconciliation, and true-up process described in this
4 subsection (k) that is applicable to the funds collected and
5 costs incurred for the procurement of renewable energy
6 resources.

7 The electric utility shall be entitled to recover all of
8 the costs identified in this subsection (k) through automatic
9 adjustment clause tariffs applicable to all of the utility's
10 retail customers that allow the electric utility to adjust its
11 tariffed charges consistent with this subsection (k). The
12 determination as to whether any excess funds were collected
13 during a given delivery year for the purchase of renewable
14 energy resources, and the crediting of any excess funds back
15 to retail customers, shall not be made until after the close of
16 the delivery year, which will ensure that the maximum amount
17 of funds is available to implement the approved long-term
18 renewable resources procurement plan during a given delivery
19 year. The amount of excess funds eligible to be credited back
20 to retail customers shall be reduced by an amount equal to the
21 payment obligations required by any contracts entered into by
22 an electric utility under contracts described in subsection
23 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
24 Illinois Power Agency Act, even if such payments have not yet
25 been made and regardless of the delivery year in which those
26 payment obligations were incurred. Notwithstanding anything to

1 the contrary, including in tariffs authorized by this
2 subsection (k) in effect prior to the effective date of this
3 amendatory Act of the 102nd General Assembly, all unspent
4 funds as of May 31, 2021 shall remain in the utility account
5 and shall on a first in, first out basis be used toward utility
6 payment obligations under contracts described in subsection
7 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
8 Illinois Power Agency Act. The electric utility's collections
9 under such automatic adjustment clause tariffs to recover the
10 costs of renewable energy resources, ~~and~~ zero emission credits
11 from zero emission facilities, and carbon mitigation credits
12 from carbon-free energy resources shall be subject to separate
13 annual review, reconciliation, and true-up against actual
14 costs by the Commission under a procedure that shall be
15 specified in the electric utility's automatic adjustment
16 clause tariffs and that shall be approved by the Commission in
17 connection with its approval of such tariffs. The procedure
18 shall provide that any difference between the electric
19 utility's collections for zero emission credits and carbon
20 mitigation credits under the automatic adjustment charges for
21 an annual period and the electric utility's actual costs of
22 ~~renewable energy resources and~~ zero emission credits from zero
23 emission facilities and carbon mitigation credits from
24 carbon-free energy resources for that same annual period shall
25 be refunded to or collected from, as applicable, the electric
26 utility's retail customers in subsequent periods.

1 Nothing in this subsection (k) is intended to affect,
2 limit, or change the right of the electric utility to recover
3 the costs associated with the procurement of renewable energy
4 resources for periods commencing before, on, or after June 1,
5 2017, as otherwise provided in the Illinois Power Agency Act.

6 ~~Notwithstanding anything to the contrary, the Commission~~
7 ~~shall not conduct an annual review, reconciliation, and~~
8 ~~true up associated with renewable energy resources'~~
9 ~~collections and costs for the delivery years commencing June~~
10 ~~1, 2017, June 1, 2018, June 1, 2019, and June 1, 2020, and~~
11 ~~shall instead conduct a single review, reconciliation, and~~
12 ~~true up associated with renewable energy resources'~~
13 ~~collections and costs for the 4-year period beginning June 1,~~
14 ~~2017 and ending May 31, 2021, provided that the review,~~
15 ~~reconciliation, and true up shall not be initiated until after~~
16 ~~August 31, 2021. During the 4 year period, the utility shall~~
17 ~~be permitted to collect and retain funds under this subsection~~
18 ~~(k) and to purchase renewable energy resources under an~~
19 ~~approved long term renewable resources procurement plan using~~
20 ~~those funds regardless of the delivery year in which the funds~~
21 ~~were collected during the 4 year period.~~

22 ~~If the amount of funds collected during the delivery year~~
23 ~~commencing June 1, 2017, exceeds the costs incurred during~~
24 ~~that delivery year, then up to half of this excess amount, as~~
25 ~~calculated on June 1, 2018, may be used to fund the programs~~
26 ~~under subsection (b) of Section 1-56 of the Illinois Power~~

1 ~~Agency Act in the same proportion the programs are funded~~
2 ~~under that subsection (b). However, any amount identified~~
3 ~~under this subsection (k) to fund programs under subsection~~
4 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
5 ~~reduced if it exceeds the funding shortfall. For purposes of~~
6 ~~this Section, "funding shortfall" means the difference between~~
7 ~~\$200,000,000 and the amount appropriated by the General~~
8 ~~Assembly to the Illinois Power Agency Renewable Energy~~
9 ~~Resources Fund during the period that commences on the~~
10 ~~effective date of this amendatory act of the 99th General~~
11 ~~Assembly and ends on August 1, 2018.~~

12 ~~If the amount of funds collected during the delivery year~~
13 ~~commencing June 1, 2018, exceeds the costs incurred during~~
14 ~~that delivery year, then up to half of this excess amount, as~~
15 ~~calculated on June 1, 2019, may be used to fund the programs~~
16 ~~under subsection (b) of Section 1-56 of the Illinois Power~~
17 ~~Agency Act in the same proportion the programs are funded~~
18 ~~under that subsection (b). However, any amount identified~~
19 ~~under this subsection (k) to fund programs under subsection~~
20 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
21 ~~reduced if it exceeds the funding shortfall.~~

22 ~~If the amount of funds collected during the delivery year~~
23 ~~commencing June 1, 2019, exceeds the costs incurred during~~
24 ~~that delivery year, then up to half of this excess amount, as~~
25 ~~calculated on June 1, 2020, may be used to fund the programs~~
26 ~~under subsection (b) of Section 1-56 of the Illinois Power~~

1 ~~Agency Act in the same proportion the programs are funded~~
2 ~~under that subsection (b). However, any amount identified~~
3 ~~under this subsection (k) to fund programs under subsection~~
4 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
5 ~~reduced if it exceeds the funding shortfall.~~

6 The funding available under this subsection (k), if any,
7 for the programs described under subsection (b) of Section
8 1-56 of the Illinois Power Agency Act shall not reduce the
9 amount of funding for the programs described in subparagraph
10 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
11 Illinois Power Agency Act. If funding is available under this
12 subsection (k) for programs described under subsection (b) of
13 Section 1-56 of the Illinois Power Agency Act, then the
14 long-term renewable resources plan shall provide for the
15 Agency to procure contracts in an amount that does not exceed
16 the funding, and the contracts approved by the Commission
17 shall be executed by the applicable utility or utilities.

18 (1) A utility that has terminated any contract executed
19 under subsection (d-5) or (d-10) of Section 1-75 of the
20 Illinois Power Agency Act shall be entitled to recover any
21 remaining balance associated with the purchase of zero
22 emission credits prior to such termination, and such utility
23 shall also apply a credit to its retail customer bills in the
24 event of any over-collection.

25 (m)(1) An electric utility that recovers its costs of
26 procuring zero emission credits from zero emission facilities

1 through a cents-per-kilowatthour charge under ~~to~~ subsection
2 (k) of this Section shall be subject to the requirements of
3 this subsection (m). Notwithstanding anything to the contrary,
4 such electric utility shall, beginning on April 30, 2018, and
5 each April 30 thereafter until April 30, 2026, calculate
6 whether any reduction must be applied to such
7 cents-per-kilowatthour charge that is paid by retail customers
8 of the electric utility that have opted out of ~~are exempt from~~
9 subsections (a) through (j) of Section 8-103B of this Act
10 under subsection (1) of Section 8-103B. Such charge shall be
11 reduced for such customers for the next delivery year
12 commencing on June 1 based on the amount necessary, if any, to
13 limit the annual estimated average net increase for the prior
14 calendar year due to the future energy investment costs to no
15 more than 1.3% of 5.98 cents per kilowatt-hour, which is the
16 average amount paid per kilowatthour for electric service
17 during the year ending December 31, 2015 by Illinois
18 industrial retail customers, as reported to the Edison
19 Electric Institute.

20 The calculations required by this subsection (m) shall be
21 made only once for each year, and no subsequent rate impact
22 determinations shall be made.

23 (2) For purposes of this Section, "future energy
24 investment costs" shall be calculated by subtracting the
25 cents-per-kilowatthour charge identified in subparagraph (A)
26 of this paragraph (2) from the sum of the

1 cents-per-kilowatthour charges identified in subparagraph (B)
2 of this paragraph (2):

3 (A) The cents-per-kilowatthour charge identified in
4 the electric utility's tariff placed into effect under
5 Section 8-103 of the Public Utilities Act that, on
6 December 1, 2016, was applicable to those retail customers
7 that have opted out of ~~are exempt from~~ subsections (a)
8 through (j) of Section 8-103B of this Act under subsection
9 (l) of Section 8-103B.

10 (B) The sum of the following cents-per-kilowatthour
11 charges applicable to those retail customers that have
12 opted out of ~~are exempt from~~ subsections (a) through (j)
13 of Section 8-103B of this Act under subsection (l) of
14 Section 8-103B, provided that if one or more of the
15 following charges has been in effect and applied to such
16 customers for more than one calendar year, then each
17 charge shall be equal to the average of the charges
18 applied over a period that commences with the calendar
19 year ending December 31, 2017 and ends with the most
20 recently completed calendar year prior to the calculation
21 required by this subsection (m):

22 (i) the cents-per-kilowatthour charge to recover
23 the costs incurred by the utility under subsection
24 (d-5) of Section 1-75 of the Illinois Power Agency
25 Act, adjusted for any reductions required under this
26 subsection (m); and

1 (ii) the cents-per-kilowatthour charge to recover
2 the costs incurred by the utility under Section
3 16-107.6 of the Public Utilities Act.

4 If no charge was applied for a given calendar year
5 under item (i) or (ii) of this subparagraph (B), then the
6 value of the charge for that year shall be zero.

7 (3) If a reduction is required by the calculation
8 performed under this subsection (m), then the amount of the
9 reduction shall be multiplied by the number of years reflected
10 in the averages calculated under subparagraph (B) of paragraph
11 (2) of this subsection (m). Such reduction shall be applied to
12 the cents-per-kilowatthour charge that is applicable to those
13 retail customers that have opted out of ~~are exempt from~~
14 subsections (a) through (j) of Section 8-103B of this Act
15 under subsection (l) of Section 8-103B beginning with the next
16 delivery year commencing after the date of the calculation
17 required by this subsection (m).

18 (4) The electric utility shall file a notice with the
19 Commission on May 1 of 2018 and each May 1 thereafter until May
20 1, 2026 containing the reduction, if any, which must be
21 applied for the delivery year which begins in the year of the
22 filing. The notice shall contain the calculations made
23 pursuant to this Section. By October 1 of each year beginning
24 in 2018, each electric utility shall notify the Commission if
25 it appears, based on an estimate of the calculation required
26 in this subsection (m), that a reduction will be required in

1 the next year.

2 (Source: P.A. 99-906, eff. 6-1-17.)

3 (220 ILCS 5/16-108.18 new)

4 Sec. 16-108.18. Performance-based ratemaking.

5 (a) The General Assembly finds:

6 (1) That improving the alignment of utility customer
7 and company interests is critical to ensuring equity,
8 rapid growth of distributed energy resources, electric
9 vehicles, and other new technologies that substantially
10 change the makeup of the grid and protect Illinois
11 residents and businesses from potential economic and
12 environmental harm from the State's energy systems.

13 (2) There is urgency around addressing increasing
14 threats from climate change and assisting communities that
15 have borne disproportionate impacts from climate change,
16 including air pollution, greenhouse gas emissions, and
17 energy burdens. Addressing this problem requires changes
18 to the business model under which utilities in Illinois
19 have traditionally functioned.

20 (3) Providing targeted incentives to support change
21 through a new performance-based structure to enhance
22 ratemaking is intended to enable alignment of utility,
23 customer, community, and environmental goals.

24 (4) Though Illinois has taken some measures to move
25 utilities to performance-based ratemaking through the

1 establishment of performance incentives and a
2 performance-based formula rate under the Energy
3 Infrastructure Modernization Act, these measures have not
4 been sufficiently transformative in urgently moving
5 electric utilities toward the State's ambitious energy
6 policy goals: protecting a healthy environment and
7 climate, improving public health, and creating quality
8 jobs and economic opportunities, including wealth
9 building, especially in economically disadvantaged
10 communities and communities of color.

11 (5) These measures were not developed through a
12 process to understand first what performance measures and
13 penalties would help drive the sought-after behavior by
14 the utilities.

15 (6) While the General Assembly has not made a finding
16 that the spending related to the Energy Infrastructure and
17 Modernization Act and its performance metrics was not
18 reasonable, it is important to address concerns that these
19 measures may have resulted in excess utility spending and
20 guaranteed profits without meaningful improvements in
21 customer experience, rate affordability, or equity.

22 (7) Discussions of performance incentive mechanisms
23 must always take into account the affordability of
24 customer rates and bills for all customers, including
25 low-income customers.

26 (8) The General Assembly therefore directs the

1 Illinois Commerce Commission to complete a transition that
2 includes a comprehensive performance-based regulation
3 framework for electric utilities serving more than 500,000
4 customers. The breadth of this framework should revise
5 existing utility regulations to position Illinois electric
6 utilities to effectively and efficiently achieve current
7 and anticipated future energy needs of this State, while
8 ensuring affordability for consumers.

9 (b) As used in this Section:

10 "Commission" means the Illinois Commerce Commission.

11 "Demand response" means measures that decrease peak
12 electricity demand or shift demand from peak to off-peak
13 periods.

14 "Distributed energy resources" or "DER" means a wide range
15 of technologies that are connected to the grid including those
16 that are located on the customer side of the customer's
17 electric meter and can provide value to the distribution
18 system, including, but not limited to, distributed generation,
19 energy storage, electric vehicles, and demand response
20 technologies.

21 "Economically disadvantaged communities" means areas of
22 one or more census tracts where average household income does
23 not exceed 80% of area median income.

24 "Environmental justice communities" means the definition
25 of that term as used and as may be updated in the long-term
26 renewable resources procurement plan by the Illinois Power

1 Agency and its Program Administrator in the Illinois Solar for
2 All Program.

3 "Equity investment eligible community" means the
4 geographic areas throughout Illinois which would most benefit
5 from equitable investments by the State designed to combat
6 discrimination. Specifically, the equity investment eligible
7 communities shall be defined as the following areas:

8 (1) R3 Areas as established pursuant to Section 10-40
9 of the Cannabis Regulation and Tax Act, where residents
10 have historically been excluded from economic
11 opportunities, including opportunities in the energy
12 sector; and

13 (2) Environmental justice communities, as defined by
14 the Illinois Power Agency pursuant to the Illinois Power
15 Agency Act, where residents have historically been subject
16 to disproportionate burdens of pollution, including
17 pollution from the energy sector.

18 "Performance incentive mechanism" means an instrument by
19 which utility performance is incentivized, which could include
20 a monetary performance incentive.

21 "Performance metric" means a manner of measurement for a
22 particular utility activity.

23 (c) Through coordinated, comprehensive system planning,
24 ratemaking, and performance incentives, the performance-based
25 ratemaking framework should be designed to accomplish the
26 following objectives:

1 (1) maintain and improve service reliability and
2 safety, including and particularly in environmental
3 justice, low-income and equity investment eligible
4 communities;

5 (2) decarbonize utility systems at a pace that meets
6 or exceeds State climate goals, while also ensuring the
7 affordability of rates for all customers, including
8 low-income customers;

9 (3) direct electric utilities to make cost-effective
10 investments that support achievement of Illinois' clean
11 energy policies, including, at a minimum, investments
12 designed to integrate distributed energy resources, comply
13 with critical infrastructure protection standards, plans,
14 and industry best practices, and support and take
15 advantage of potential benefits from the electric vehicle
16 charging and other electrification, while mitigating the
17 impacts;

18 (4) choose cost-effective assets and services, whether
19 utility-supplied or through third-party contracting,
20 considering both economic and environmental costs and the
21 effects on utility rates, to deliver high-quality service
22 to customers at least cost;

23 (5) maintain the affordability of electric delivery
24 services for all customers, including low-income
25 customers;

26 (6) maintain and grow a diverse workforce, diverse

1 supplier procurement base and, for relevant programs,
2 diverse approved-vendor pools, including increased
3 opportunities for minority-owned, female-owned,
4 veteran-owned, and disability-owned business enterprises;

5 (7) improve customer service performance and
6 engagement;

7 (8) address the particular burdens faced by consumers
8 in environmental justice and equity investment eligible
9 communities, including shareholder, consumer, and publicly
10 funded bill payment assistance and credit and collection
11 policies, and ensure equitable disconnections, late fees,
12 or arrearages as a result of utility credit and collection
13 practices, which may include consideration of impact by
14 zip code; and

15 (9) implement or otherwise enhance current supplier
16 diversity programs to increase diverse contractor
17 participation in professional services, subcontracting,
18 and prime contracting opportunities with programs that
19 address barriers to access. Supplier diversity programs
20 shall address specific barriers related to RFP and
21 contract access, access to capital, information technology
22 and cyber security access and costs, administrative
23 burdens, and quality control with specific metrics,
24 outcomes, and demographic data reported.

25 (d) Multi-Year Rate Plan.

26 (1) If an electric utility had a performance-based

1 formula rate in effect under Section 16-108.5 as of
2 December 31, 2020, then the utility may file a petition
3 proposing tariffs implementing a 4-year Multi-Year Rate
4 Plan as provided in this Section no later than, January
5 20, 2023, for delivery service rates to be effective for
6 the billing periods January 1, 2024 through December 31,
7 2027. The Commission shall issue an order approving or
8 approving as modified the utility's plan no later than
9 December 20, 2023. The term "Multi-Year Rate Plan" refers
10 to a plan establishing the base rates the utility shall
11 charge for each delivery year of the 4-year period to be
12 covered by the plan, which shall be subject to
13 modification only as expressly allowed in this Section.

14 (2) A utility proposing a Multi-Year Rate Plan shall
15 provide a 4-year investment plan and a description of the
16 utility's major planned investments, including, at a
17 minimum, all investments of \$2,000,000 or greater over the
18 plan period for an electric utility that serves more than
19 3,000,000 retail customers in the State or \$500,000 for an
20 electric utility that serves less than 3,000,000 retail
21 customers in the State but more than 500,000 retail
22 customers in the State. The 4-year investment plan must be
23 consistent with the Multi-Year Integrated Grid Plan
24 described in Section 16-105.17 of this Act. The investment
25 plan shall provide sufficiently detailed information, as
26 required by the Commission, including, at a minimum, a

1 description of each investment, the location of the
2 investment, and an explanation of the need for and benefit
3 of such an investment to the extent known.

4 (3) The Multi-Year Rate Plan shall be implemented
5 through a tariff filed with the Commission consistent with
6 the provisions of this paragraph (3) that shall apply to
7 all delivery service customers. The Commission shall
8 initiate and conduct an investigation of the tariff in a
9 manner consistent with the provisions of this paragraph
10 (3) and the provisions of Article IX of this Act, to the
11 extent they do not conflict with this paragraph (3). The
12 Multi-Year Rate Plan approved by the Commission shall do
13 the following:

14 (A) Provide for the recovery of the utility's
15 forecasted rate base, based on the 4-year investment
16 plan and the utility's Integrated Grid Plan. The
17 forecasted rate base must include the utility's
18 planned capital investments, with rates based on
19 average annual plant investment, and
20 investment-related costs, including income tax
21 impacts, depreciation, and ratemaking adjustments and
22 costs that are prudently incurred and reasonable in
23 amount consistent with Commission practice and law.
24 The process used to develop the forecasts must be
25 iterative, rigorous, and lead to forecasts that
26 reasonably represent the utility's investments during

1 the forecasted period and ensure that the investments
2 are projected to be used and useful during the annual
3 investment period and least cost, consistent with the
4 provisions of Articles VIII and IX of this Act.

5 (B) The cost of equity shall be approved by the
6 Commission consistent with Commission practice and
7 law.

8 (C) The revenue requirement shall reflect the
9 utility's actual capital structure for the applicable
10 calendar year. A year-end capital structure that
11 includes a common equity ratio of up to and including
12 50% of the total capital structure shall be deemed
13 prudent and reasonable. A higher common equity ratio
14 must be specifically approved by the Commission.

15 (E) Provide for recovery of prudent and reasonable
16 projected operating expenses, giving effect to
17 ratemaking adjustments, consistent with Commission
18 practice and law under Article IX of this Act.
19 Operating expenses for years after the first year of
20 the Multi-Year Rate Plan may be estimated by the use of
21 known and measurable changes, expense reductions
22 associated with planned capital investments as
23 appropriate, and reasonable and appropriate
24 escalators, indices, or other metrics.

25 (F) Amortize the amount of unprotected
26 property-related excess accumulated deferred income

1 taxes in rates as of January 1, 2023 over a period
2 ending December 31, 2027, unless otherwise required to
3 amortize the excess deferred income tax pursuant to
4 Section 16-108.21 of this Act.

5 (G) Allow recovery of incentive compensation
6 expense that is based on the achievement of
7 operational metrics, including metrics related to
8 budget controls, outage duration and frequency,
9 safety, customer service, efficiency and productivity,
10 environmental compliance and attainment of
11 affordability and environmental goals, and other goals
12 and metrics approved by the Commission. Incentive
13 compensation expense that is based on net income or an
14 affiliate's earnings per share shall not be
15 recoverable.

16 (H) To the maximum extent practicable, align the
17 4-year investment plan and annual capital budgets with
18 the electric utility's Multi-Year Integrated Grid
19 Plan.

20 (4) The Commission shall establish annual rates for
21 each year of the Multi-Year Rate Plan that accurately
22 reflect and are based only upon the utility's reasonable
23 and prudent costs of service over the term of the plan,
24 including the effect of all ratemaking adjustments
25 consistent with Commission practice and law as determined
26 by the Commission, provided that the costs are not being

1 recovered elsewhere in rates. Tariff riders authorized by
2 the Commission may continue outside of a plan authorized
3 under this Section to the extent such costs are not
4 recovered elsewhere in rates. For the first multi-year
5 rate plan, the burden of proof shall be on the electric
6 utility to establish the prudence of investments and
7 expenditures and to establish that such investments
8 consistent with and reasonably necessary to meet the
9 requirements of the utility's first approved Multi-Year
10 Integrated Grid Plan described in Section 16-105.17 of
11 this Act. For subsequent Multi-Year Rate Plans, the burden
12 of proof shall be on the electric utility to establish the
13 prudence of investments and expenditures and to establish
14 that such investments are consistent with and reasonably
15 necessary to meet the requirements of the utility's most
16 recently approved Multi-Year Integrated Grid Plan
17 described in Section 16-105.17 of this Act. The sole fact
18 that a cost differs from that incurred in a prior period or
19 that an investment is different from that described in the
20 Multi-Year Integrated Grid Plan shall not imply the
21 imprudence or unreasonableness of that cost or investment.
22 The sole fact that an investment is the same or similar to
23 that described in the Multi-Year Integrated Grid Plan
24 shall not imply prudence and reasonableness of that
25 investment.

26 (5) To facilitate public transparency, all materials,

1 data, testimony, and schedules shall be provided to the
2 Commission in an editable, machine-readable electronic
3 format including .doc, .docx, .xls, .xlsx, and similar
4 file formats, but not including .pdf or .exif. Should
5 utilities designate any materials confidential, they shall
6 have an affirmative duty to explain why the particular
7 information is marked confidential. In determining
8 prudence and reasonableness of rates, the Commission shall
9 make its determination based upon the record, including
10 each public comment filed or provided orally at open
11 meetings consistent with the Commission's rules and
12 practices.

13 (6) The Commission may, by order, establish terms,
14 conditions, and procedures for submitting and approving a
15 Multi-Year Rate Plan necessary to implement this Section
16 and ensure that rates remain just and reasonable during
17 the course of the plan, including terms and procedures for
18 rate adjustment.

19 (7) An electric utility that files a tariff pursuant
20 to paragraph (3) of this subsection (e) must submit a
21 one-time \$300,000 filing fee at the time the Chief Clerk
22 of the Commission accepts the filing, which shall be a
23 recoverable expense.

24 (8) An electric utility operating under a Multi-Year
25 Rate Plan shall file a new Multi-Year Rate Plan at least
26 300 days prior to the end of the initial Multi-Year Rate

1 Plan unless it elects to file a general rate case pursuant
2 to paragraph (9), and every 4 years thereafter, with a
3 rate-effective date of the proposed tariffs such that,
4 after the Commission suspension period, the rates would
5 take effect immediately at the close of the final year of
6 the initial Multi-Year Rate Plan. In subsequent Multi-Year
7 Rate Plans, as in the initial plans, utilities and
8 stakeholders may propose additional metrics that achieve
9 the outcomes described in paragraph (2) of subsection (f)
10 of this Section.

11 (9) Election of Rate Case.

12 (A) On or before the date prescribed by
13 subparagraph (B) of paragraph (9) of this Section,
14 electric utilities that serve more than 500,000 retail
15 customers in the State shall file either a general
16 rate case under Section 9-201 of this Act, or a
17 Multi-Year Rate Plan, as set forth in paragraph (1) of
18 this subsection (d).

19 (B) Electric utilities described in subparagraph
20 (A) of paragraph (9) of this Section shall file their
21 initial general rate case or Multi-Year Rate Plan, as
22 applicable, with the Commission no later than January
23 20, 2023.

24 (C) Notwithstanding which rate filing option an
25 electric utility elects to file on the date prescribed
26 by subparagraph (B) of paragraph (9) of this Section,

1 the electric utility shall be subject to the
2 Multi-year Integrated Plan filing requirements.

3 (D) Following its initial rate filing pursuant to
4 paragraph (2), an electric utility subject to the
5 requirements of this Section shall thereafter be
6 permitted to elect a different rate filing option
7 consistent with any filing intervals established for a
8 general rate case or Multi-Year Rate Plan, as follows:

9 (i) An electric utility that initially elected
10 to file a Multi-Year Rate Plan and thereafter
11 elects to transition to a general rate case may do
12 so upon completion of the 4-year Multi-Year Rate
13 Plan by filing a general rate case at the same time
14 that the utility would have filed its subsequent
15 Multi-Year Rate Plan, as specified in paragraph
16 (8) of this subsection (d). Notwithstanding this
17 election, the annual adjustment of the final year
18 of the Multi-Year Rate Plan shall proceed as
19 specified in paragraph (6) of subsection (f).

20 (ii) An electric utility that initially
21 elected to a file general rate case and thereafter
22 elects to transition to a Multi-Year Rate Plan may
23 do so only at the 4-year filing intervals
24 identified by paragraph (8) of this subsection
25 (d).

26 (10) The Commission shall approve tariffs establishing

1 rate design for all delivery service customers unless the
2 electric utility makes the election specified in Section
3 16-105.5, in which case the rate design shall be subject
4 to the provisions of that Section.

5 (11) The Commission shall establish requirements for
6 annual performance evaluation reports to be submitted
7 annually for performance metrics. Such reports shall
8 include, but not be limited to, a description of the
9 utility's performance under each metric and an
10 identification of any extraordinary events that adversely
11 affected the utility's performance.

12 (12) For the first Multi-Year Rate Plan, the
13 Commission shall consolidate its investigation with the
14 proceeding under Section 16-105.17 to establish the
15 Multi-Year Integrated Grid Plan no later than 45 days
16 after plan filing.

17 (13) Where a rate change under a Multi-Year Rate Plan
18 will result in a rate increase, an electric utility may
19 propose a rate phase-in plan that the Commission shall
20 approve with or without modification or deny in its final
21 order approving the new delivery services rates. A
22 proposed rate phase-in plan under this paragraph (13) must
23 allow the new delivery services rates to be implemented in
24 no more than 2 steps, as follows: in the first step, at
25 least 50% of the approved rate increase must be reflected
26 in rates, and, in the second step, 100% of the rate

1 increase must be reflected in rates. The second step's
2 rates must take effect no later than 12 months after the
3 first step's rates were placed into effect. The portion of
4 the approved rate increase not implemented in the first
5 step shall be recorded on the electric utility's books as
6 a regulatory asset, and shall accrue carrying costs to
7 ensure that the utility does not recover more or less than
8 it otherwise would because of the deferral. This portion
9 shall be recovered, with such carrying costs at the
10 weighted average cost of capital, through a surcharge
11 applied to retail customer bills that (i) begins no later
12 than 12 months after the date on which the second step's
13 rates went into effect and (ii) is applied over a period
14 not to exceed 24 months. Nothing in this paragraph is
15 intended to limit the Commission's authority to mitigate
16 the impact of rates caused by rate plans, or any other
17 instance on a revenue-neutral basis; nor shall it mitigate
18 or a utility's ability to make proposals to mitigate the
19 impact of rates. When a deferral, or similar method, is
20 used to mitigate the impact of rates, the utility should
21 be allowed to recover carrying costs.

22 (14) Notwithstanding the provisions of Section (13),
23 the Commission may, on its own initiative, take
24 revenue-neutral measures to relieve the impact of rate
25 increases on customers. Such initiatives may be taken by
26 the Commission in the first Multi-Year Rate Plan,

1 subsequent multi-year plans, or in other instances
2 described in this Act.

3 (15) Whenever during the pendency of a Multi-year Rate
4 Plan, an electric utility subject to this Section becomes
5 aware that, due to circumstances beyond its control,
6 prudent operating practices will require the utility to
7 make adjustments to the Multi-Year Rate Plan, the electric
8 utility may file a petition with the Commission requesting
9 modification of the approved annual revenue requirements
10 included in the Multi-Year Rate Plan. The electric utility
11 must support its request with evidence demonstrating why a
12 modification is necessary, due to circumstances beyond the
13 utility's control, to follow prudent operating practices
14 and must set forth the changes to each annual revenue
15 requirement to be approved, and the basis for any changes
16 in anticipated operating expenses or capital investment
17 levels. The utility shall affirmatively address the impact
18 of the changes on the Multi-Year Integrated Grid Plan and
19 Multi-Year Rate Plan originally submitted and approved by
20 the Commission. Any interested party may file an objection
21 to the changes proposed, or offer alternatives to the
22 utility's proposal, as supported by testimony and
23 evidence. After notice and hearing, the Commission shall
24 issue a final order regarding the electric utility's
25 request no later than 180 days after the filing of the
26 petition.

1 (e) Performance incentive mechanisms.

2 (1) The electric industry is undergoing rapid
3 transformation, including fundamental changes in how
4 electricity is generated, procured, and delivered and how
5 customers are choosing to participate in the supply and
6 delivery of electricity to and from the electric grid.
7 Building upon the State's goals to increase the
8 procurement of electricity from renewable energy
9 resources, including distributed generation and storage
10 devices, the General Assembly finds that electric
11 utilities should make cost-effective investments that
12 support moving forward on Illinois' clean energy policies.
13 It is therefore in the State's interest for the Commission
14 to establish performance incentive mechanisms in order to
15 better tie utility revenues to performance and customer
16 benefits, accelerate progress on Illinois energy and other
17 goals, ensure equity and affordability of rates for all
18 customers, including low-income customers, and hold
19 utilities publicly accountable.

20 (2) The Commission shall approve, based on the
21 substantial evidence proffered in the proceeding initiated
22 pursuant to this subsection performance metrics that, to
23 the extent practicable and achievable by the electric
24 utility, encourage cost-effective, equitable utility
25 achievement of the outcomes described in this subsection
26 (e) while ensuring no degradation in the significant

1 performance improvement achieved through previously
2 established performance metrics. For each electric
3 utility, the Commission shall approve metrics designed to
4 achieve incremental improvements over baseline performance
5 values and targets, over a performance period of up to 10
6 years, and no less than 4 years.

7 (A) The Commission shall approve no more than 8
8 metrics, with at least one metric from each of the
9 categories below, for each electric utility, from
10 subparagraphs (i) through (vi) of this subsection (A).
11 Upon a utility request, the Commission may approve the
12 use of a specific, measurable, and achievable tracking
13 metric described in paragraph (3) of subsection (e) as
14 a performance metric pursuant to paragraph (2) of
15 subsection (e).

16 (i) Metrics designed to ensure the utility
17 maintains and improves the high standards of both
18 overall and locational reliability and resiliency,
19 and makes improvements in power quality, including
20 and particularly in environmental justice and
21 equity investment eligible communities.

22 (ii) Peak load reductions attributable to
23 demand response programs.

24 (iii) Supplier diversity expansion, including
25 diverse contractor participation in professional
26 services, subcontracting, and prime contracting

1 opportunities, development of programs that
2 address the barriers to access, aligning
3 demographics of contractors to the demographics in
4 the utility's service territory, establish
5 long-term mentoring relationships that develop and
6 remove barriers to access for diverse and
7 underserved contractors. The utilities shall
8 provide solutions, resources, and tools to address
9 complex barriers of entry related to costly and
10 time-intensive cyber security requirements,
11 increasingly complex information technology
12 requirements, insurance barriers, service provider
13 sign-up process barriers, administrative process
14 barriers, and other barriers that inhibit access
15 to RFPs and contracts. For programs with contracts
16 over \$1,000,000, winning bidders must demonstrate
17 a subcontractor development or mentoring
18 relationship with at least one of their diverse
19 subcontracting partners for a core component of
20 the scope of the project. The mentoring time and
21 cost shall be taken into account in the creation
22 of RFP and shall include a structured and measured
23 plan by the prime contractor to increase the
24 capabilities of the subcontractor in their
25 proposed scope. The metric shall include reporting
26 on all supplier diversity programs by goals,

1 program results, demographics and geography, with
2 separate reporting by category of minority-owned,
3 female-owned, veteran-owned, and disability-owned
4 business enterprise metrics. The report shall
5 include resources and expenses committed to the
6 programs and conversion rates of new diverse
7 utility contractors.

8 (iv) Achieve affordable customer delivery
9 service costs, with particular emphasis on keeping
10 the bills of lower-income households, households
11 in equity investment eligible communities, and
12 household in environmental justice communities
13 within a manageable portion of their income and
14 adopting credit and collection policies that
15 reduce disconnections for these households
16 specifically and for customers overall to ensure
17 equitable disconnections, late fees, or arrearages
18 as a result of utility credit and collection
19 practices, which may include consideration of
20 impact by zip code.

21 (v) Metrics designed around the utility's
22 timeliness to customer requests for
23 interconnection in key milestone areas, such as:
24 initial response, supplemental review, and system
25 feasibility study; improved average service
26 reliability index for those customers that have

1 interconnected a distributed renewable energy
2 generation device to the utility's distribution
3 system and are lawfully taking service under an
4 applicable tariff; offering a variety of
5 affordable rate options, including demand
6 response, time of use rates for delivery and
7 supply, real-time pricing rates for supply;
8 comprehensive and predictable net metering, and
9 maximizing the benefits of grid modernization and
10 clean energy for ratepayers; and improving
11 customer access to utility system information
12 according to consumer demand and interest.

13 (vi) Metrics designed to measure the utility's
14 customer service performance, which may include
15 the average length of time to answer a customer's
16 call by a customer service representative, the
17 abandoned call rate and the relative ranking of
18 the electric utility, by a reputable third-party
19 organization, in customer service satisfaction
20 when compared to other similar electric utilities
21 in the Midwest region.

22 (B) Performance metrics shall include a
23 description of the metric, a calculation method, a
24 data collection method, annual performance targets,
25 and any incentives or penalties for the utility's
26 achievement of, or failure to achieve, their

1 performance targets, provided that the total amount of
2 potential incentives and penalties shall be
3 symmetrical. Incentives shall be rewards or penalties
4 or both, reflected as basis points added to, or
5 subtracted from, the utility's cost of equity. The
6 metrics and incentives shall apply for the entire time
7 period covered by a Multi-Year Rate Plan. The total
8 for all metrics shall be equal to 40 basis points,
9 however, the Commission may adjust the basis points
10 upward or downward by up to 20 basis points for any
11 given Multi-Year Rate Plan, as appropriate, but in no
12 event may the total exceed 60 basis points or fall
13 below 20 basis points.

14 (C) Metrics related to reliability shall be
15 implemented to ensure equitable benefits to
16 environmental justice and equity investment eligible
17 communities, as defined in this Act.

18 (D) The Commission shall approve performance
19 metrics that are reasonably within control of the
20 utility to achieve. The Commission also shall not
21 approve a metric that is solely expected to have the
22 effect of reducing the workforce. Performance metrics
23 should measure outcomes and actual, rather than
24 projected, results where possible. Nothing in this
25 paragraph is intended to require that different
26 electric utilities must be subject to the same

1 metrics, goals, or incentives.

2 (E) Increases or enhancements to an existing
3 performance goal or target shall be considered in
4 light of other metrics, cost-effectiveness, and other
5 factors the Commission deems appropriate. Performance
6 metrics shall include one year of tracking data
7 collected in a consistent manner, verifiable by an
8 independent evaluator in order to establish a baseline
9 and measure outcomes and actual results against
10 projections where possible.

11 (F) For the purpose of determining reasonable
12 performance metrics and related incentives, the
13 Commission shall develop a methodology to calculate
14 net benefits that includes customer and societal costs
15 and benefits and quantifies the effect on delivery
16 rates. In determining the appropriate level of a
17 performance incentive, the Commission shall consider:
18 the extent to which the amount is likely to encourage
19 the utility to achieve the performance target in the
20 least cost manner; the value of benefits to customers,
21 the grid, public health and safety, and the
22 environment from achievement of the performance
23 target, including in particular benefits to equity
24 investment eligible community; the affordability of
25 customer's electric bills, including low-income
26 customers, the utility's revenue requirement, the

1 promotion of renewable and distributed energy, and
2 other such factors that the Commission deems
3 appropriate. The consideration of these factors shall
4 result in an incentive level that ensures benefits
5 exceed costs for customers.

6 (G) Achievement of performance metrics are based
7 on the assumptions that the utility will adopt or
8 implement the technology and equipment, and make the
9 investments to the extent reasonably necessary to
10 achieve the goal. If the electric utility is unable to
11 meet the performance metrics as a result of
12 extraordinary circumstances outside of its control,
13 including but not limited to government-declared
14 emergencies, then the utility shall be permitted to
15 file a petition with the Commission requesting that
16 the utility be excused from compliance with the
17 applicable performance goal or goals and the
18 associated financial incentives and penalties. The
19 burden of proof shall be on the utility, consistent
20 with Article IX, and the utility's petition shall be
21 supported by substantial evidence. The Commission
22 shall, after notice and hearing, enter its order
23 approving or denying, in whole or in part, the
24 utility's petition based on the extent to which the
25 utility demonstrated that its achievement of the
26 affected metrics and performance goals was hindered by

1 extraordinary circumstances outside of the utility's
2 control.

3 (3) The Commission shall approve reasonable and
4 appropriate tracking metrics to collect and monitor data
5 for the purpose of measuring and reporting utility
6 performance and for establishing future performance
7 metrics. These additional tracking metrics shall include
8 at least one metric from each of the following categories
9 of performance:

10 (A) Minimize emissions of greenhouse gases and
11 other air pollutants that harm human health,
12 particularly in environmental justice and equity
13 investment eligible communities, through minimizing
14 total emissions by accelerating electrification of
15 transportation, buildings and industries where such
16 electrification results in net reductions, across all
17 fuels and over the life of electrification measures,
18 of greenhouse gases and other pollutants, taking into
19 consideration the fuel mix used to produce electricity
20 at the relevant hour and the effect of accelerating
21 electrification on electricity delivery services
22 rates, supply prices and peak demand, provided the
23 revenues the utility receives from accelerating
24 electrification of transportation, buildings and
25 industries exceed the costs.

26 (B) Enhance the grid's flexibility to adapt to

1 increased deployment of nondispatchable resources,
2 improve the ability and performance of the grid on
3 load balancing, and offer a variety of rate plans to
4 match consumer consumption patterns and lower consumer
5 bills for electricity delivery and supply.

6 (C) Ensure rates reflect cost savings attributable
7 to grid modernization and utilize distributed energy
8 resources that allow the utility to defer or forgo
9 traditional grid investments that would otherwise be
10 required to provide safe and reliable service.

11 (D) Metrics designed to create and sustain
12 full-time-equivalent jobs and opportunities for all
13 segments of the population and workforce, including
14 minority-owned businesses, women-owned businesses,
15 veteran-owned businesses, and businesses owned by a
16 person or persons with a disability, and that do not,
17 consistent with State and federal law, discriminate
18 based on race or socioeconomic status as a result of
19 this amendatory Act of the 102nd General Assembly.

20 (E) Maximize and prioritize the allocation of grid
21 planning benefits to environmental justice and
22 economically disadvantaged customers and communities,
23 such that all metrics provide equitable benefits
24 across the utility's service territory and maintain
25 and improve utility customers' access to uninterrupted
26 utility services.

1 (4) The Commission may establish new tracking and
2 performance metrics in future Multi-Year Rate Plans to
3 further measure achievement of the outcomes set forth in
4 paragraph (2) of subsection (f) of this Section and the
5 other goals and requirements of this Section.

6 (5) The Commission shall also evaluate metrics that
7 were established in prior Multi-Year Rate Plans to
8 determine if there has been an unanticipated material
9 change in circumstances such that adjustments are required
10 to improve the likelihood of the outcomes described in
11 paragraph (2) of subsection (f). For metrics that were
12 established in prior Multi-Year Rate Plan proceedings and
13 that the Commission elects to continue, the design of
14 these metrics, including the goals of tracking metrics and
15 the targets and incentive levels and structures of
16 performance metrics, may be adjusted pursuant to the
17 requirements in this Section. The Commission may also
18 change, adjust or phase out tracking and performance
19 metrics that were established in prior Multi-Year Rate
20 Plan proceedings if these metrics no longer meet the
21 requirements of this Section or if they are rendered
22 obsolete by the changing needs and technology of an
23 evolving grid. Additionally, performance metrics that no
24 longer require an incentive to create improved utility
25 performance may become tracking metrics in a Multi-Year
26 Rate Plan proceeding.

1 (6) The Commission shall initiate a workshop process
2 no later than August 1, 2021, or 15 days after the
3 effective date of this amendatory Act of the 102nd General
4 Assembly, whichever is later, for the purpose of
5 facilitating the development of metrics for each utility.
6 The workshop shall be coordinated by the staff of the
7 Commission, or a facilitator retained by staff, and shall
8 be organized and facilitated in a manner that encourages
9 representation from diverse stakeholders and ensures
10 equitable opportunities for participation, without
11 requiring formal intervention or representation by an
12 attorney. Working with staff of the Commission the
13 facilitator may conduct a combination of workshops
14 specific to a utility or applicable to multiple utilities
15 where content and stakeholders are substantially similar.
16 The workshop process shall conclude no later than October
17 31, 2021. Following the workshop, the staff of the
18 Commission, or the facilitator retained by the Staff,
19 shall prepare and submit a report to the Commission that
20 identifies the participants in the process, the metrics
21 proposed during the process, any material issues that
22 remained unresolved at the conclusions of such process,
23 and any recommendations for workshop process improvements.
24 Any workshop participant may file comments and reply
25 comments in response to the Staff report.

26 (A) No later than January, 20, 2022, each electric

1 utility that intends to file a petition pursuant to
2 subsection (b) of this Section shall file a petition
3 with the Commission seeking approval of its
4 performance metrics, which shall include for each
5 metric, at a minimum, (i) a detailed description, (ii)
6 the calculation of the baseline, (iii) the performance
7 period and overall performance goal, provided that the
8 performance period shall not commence prior to January
9 1, 2024, (iv) each annual performance goal, (v) the
10 performance adjustment, which shall be a symmetrical
11 basis point increase or decrease to the utility's cost
12 of equity based on the extent to which the utility
13 achieved the annual performance goal, and (vi) the new
14 or modified tariff mechanism that will apply the
15 performance adjustments. The Commission shall issue
16 its order approving, or approving with modification,
17 the utility's proposed performance metrics no later
18 than September 30, 2022.

19 (B) No later than August 1, 2025, the Commission
20 shall initiate a workshop process that conforms to the
21 workshop purpose and requirements of this paragraph
22 (6) of this Section to the extent they do not conflict.
23 The workshop process shall conclude no later than
24 October 31, 2025, and the staff of the Commission, or
25 the facilitator retained by the Staff, shall prepare
26 and submit a report consistent with the requirements

1 described in this paragraph (6) of this Section. No
2 later than January 20, 2026, each electric utility
3 subject to the requirements of this Section shall file
4 a petition that reflects, and is consistent with, the
5 components required in this paragraph (6) of this
6 Section, and the Commission shall issue its order
7 approving, or approving with modification, the
8 utility's proposed performance metrics no later than
9 September 30, 2026.

10 (f) On May 1 of each year, following the approval of the
11 first Multi-Year Rate Plan and its initial year, the
12 Commission shall open an annual performance evaluation
13 proceeding to evaluate the utilities' performance on their
14 metric targets during the year just completed, as well as the
15 appropriate Annual Adjustment as defined in paragraph (6). The
16 Commission shall determine the performance and annual
17 adjustments to be applied through a surcharge in the following
18 calendar year.

19 (1) On February 15 of each year, prior to the annual
20 performance evaluation proceeding, each utility shall file
21 a performance evaluation report with the Commission that
22 includes a description of and all data supporting how the
23 utility performed under each performance metric and an
24 identification of any extraordinary events that adversely
25 impacted the utility's performance.

26 (2) The metrics approved under this Section are based

1 on the assumptions that the utility may fully implement
2 the technology and equipment, and make the investments,
3 required to achieve the metrics and performance goals. If
4 the utility is unable to meet the metrics and performance
5 goals because it was hindered by unanticipated technology
6 or equipment implementation delays, government-declared
7 emergencies, or other investment impediments, then the
8 utility shall be permitted to file a petition with the
9 Commission on or before the date that its report is due
10 pursuant to paragraph (1) of this subsection (f)
11 requesting that the utility be excused from compliance
12 with the applicable performance goal or goals. The burden
13 of proof shall be on the utility, consistent with Article
14 IX, and the utility's petition shall be supported by
15 substantial evidence. No later than 90 days after the
16 utility files its petition, the Commission shall, after
17 notice and hearing, enter its order approving or denying,
18 in whole or in part, the utility's petition based on the
19 extent to which the utility demonstrated that its
20 achievement of the affected metrics and performance goals
21 was hindered by unanticipated technology or equipment
22 implementation delays, or other investment impediments,
23 that were reasonably outside of the utility's control.

24 (3) The electric utility shall provide for an annual
25 independent evaluation of its performance on metrics. The
26 independent evaluator shall review the utility's

1 assumptions, baselines, targets, calculation
2 methodologies, and other relevant information, especially
3 ensuring that the utility's data for establishing
4 baselines matches actual performance, and shall provide a
5 report to the Commission in each annual performance
6 evaluation describing the results. The independent
7 evaluator shall present this report as evidence as a
8 nonparty participant and shall not be represented by the
9 utility's legal counsel. The independent evaluator shall
10 be hired through a competitive bidding process with
11 approval of the contract by the Commission.

12 The Commission shall consider the report of the
13 independent evaluator in determining the utility's
14 achievement of performance targets. Discrepancies between
15 the utility's assumptions, baselines, targets, or
16 calculations and those of the independent evaluator shall
17 be closely scrutinized by the Commission. If the
18 Commission finds that the utility's reported data for any
19 metric or metrics significantly and incorrectly deviates
20 from the data reported by the independent evaluator, then
21 the Commission shall order the utility to revise its data
22 collection and calculation process within 60 days, with
23 specifications where appropriate.

24 (4) The Commission shall, after notice and hearing in
25 the annual performance evaluation proceeding, enter an
26 order approving the utility's performance adjustment based

1 on its achievement of or failure to achieve its
2 performance targets no later than December 20 each year.
3 The Commission-approved penalties or incentives shall be
4 applied beginning with the next calendar year.

5 (5) In order to promote the transparency of utility
6 investments during the effective period of a multi-year
7 rate plan, inform the Commission's investigation and
8 adjustment of rates in the annual adjustment process, and
9 to facilitate the participation of stakeholders in the
10 annual adjustment process, an electric utility with an
11 effective Multi-Year Rate Plan shall, within 90 days of
12 the close of each quarter during the Multi-Year Rate Plan
13 period, submit to the Commission a report that summarizes
14 the additions to utility plant that were placed into
15 service during the prior quarter, which for purposes of
16 the report shall be the most recently closed fiscal
17 quarter. The report shall also summarize the utility plant
18 the electric utility projects it will place into service
19 through the end of the calendar year in which the report is
20 filed. The projections, estimates, plans, and
21 forward-looking information that are provided in the
22 reports pursuant to this paragraph (5) are for planning
23 purposes and are intended to be illustrative of the
24 investments that the utility proposes to make as of the
25 time of submittal. Nothing in this paragraph (5)
26 precludes, or is intended to limit, a utility's ability to

1 modify and update its projections, estimates, plans, and
2 forward-looking information previously submitted in order
3 to reflect stakeholder input or other new or updated
4 information and analysis, including, but not limited to,
5 changes in specific investment needs, customer electric
6 use patterns, customer applications and preferences, and
7 commercially available equipment and technologies, however
8 the utility shall explain any changes or deviations
9 between the projected investments from the quarterly
10 reports and actual investments in the annual report. The
11 reports submitted pursuant to this subsection are intended
12 to be flexible planning tools, and are expected to evolve
13 as new information becomes available. Within 7 days of
14 receiving a quarterly report, the Commission shall timely
15 make such report available to the public by posting it on
16 the Commission's website. Each quarterly report shall
17 include the following detail:

18 (A) The total dollar value of the additions to
19 utility plant placed in service during the prior
20 quarter;

21 (B) A list of the major investment categories the
22 electric utility used to manage its routine standing
23 operational activities during the prior quarter
24 including the total dollar amount for the work
25 reflected in each investment category in which utility
26 plant in service is equal to or greater than

1 \$2,000,000 for an electric utility that serves more
2 than 3,000,000 customers in the State or \$500,000 for
3 an electric utility that serves less than 3,000,000
4 customers but more than 500,000 customers in the State
5 as of the last day of the quarterly reporting period,
6 as well as a summary description of each investment
7 category;

8 (C) A list of the projects which the electric
9 utility has identified by a unique investment tracking
10 number for utility plant placed in service during the
11 prior quarter for utility plant placed in service with
12 a total dollar value as of the last day of the
13 quarterly reporting period that is equal to or greater
14 than \$2,000,000 for an electric utility that serves
15 more than 3,000,000 customers in the State or \$500,000
16 for an electric utility that serves less than
17 3,000,000 retail customers but more than \$500,000
18 retail customers in the State, as well as a summary of
19 each project;

20 (D) The estimated total dollar value of the
21 additions to utility plant projected to be placed in
22 service through the end of the calendar year in which
23 the report is filed;

24 (E) A list of the major investment categories the
25 electric utility used to manage its routine standing
26 operational activities with utility plant projected to

1 be placed in service through the end of the calendar
2 year in which the report is filed, including the total
3 dollar amount for the work reflected in each
4 investment category in which utility plant in service
5 is projected to be equal to or greater than \$2,000,000
6 for an electric utility that serves more than
7 3,000,000 customers in the State or \$500,000 for an
8 electric utility that serves less than 3,000,000
9 retail customers but more than 500,000 retail
10 customers in the State, as well as a summary
11 description of each investment category; and

12 (F) A list of the projects for which the electric
13 utility has identified by a unique investment tracking
14 number for utility plant projected to be placed in
15 service through the end of the calendar year in which
16 the report is filed with an estimated dollar value
17 that is equal to or greater than \$2,000,000 for an
18 electric utility that serves more than 3,000,000
19 customers in the State or \$500,000 for an electric
20 utility that serves less than 3,000,000 retails
21 customers but more than \$500,000 retail customers in
22 the State, as well as a summary description of each
23 project.

24 (6) As part of the Annual Performance Adjustment, the
25 electric utility shall submit evidence sufficient to
26 support a determination of its actual revenue requirement

1 for the applicable calendar year, consistent with the
2 provisions of paragraphs (d) and (f) of this subsection.
3 The electric utility shall bear the burden of
4 demonstrating that its costs were prudent and reasonable,
5 subject to the provisions of paragraph (4) of this
6 subsection (f). The Commission's review of the electric
7 utility's annual adjustment shall be based on the same
8 evidentiary standards, including, but not limited to,
9 those concerning the prudence and reasonableness of the
10 known and measurable costs forecasted to be incurred by
11 the utility, and the used and usefulness of the actual
12 plant investment pursuant to Section 9-211 of this Act,
13 that the Commission applies in a proceeding to review a
14 filing for changes in rates pursuant to Section 9-201 of
15 this Act. The Commission shall determine the prudence and
16 reasonableness of the actual costs incurred by the utility
17 during the applicable calendar year, as well as determine
18 the original cost of plant in service as of the end of the
19 applicable calendar year. The Commission shall then
20 determine the Annual Adjustment, which shall mean the
21 amount by which, the electric utility's actual revenue
22 requirement for the applicable year of the Multi-Year Rate
23 Plan either exceeded, or was exceeded by, the revenue
24 requirement approved by the Commission for such calendar
25 year, plus carrying costs calculated at the weighted
26 average cost of capital approved for the Multi-Year Rate

1 Plan.

2 The Commission's determination of the electric
3 utility's actual revenue requirement for the applicable
4 calendar year shall be based on:

5 (A) the Commission-approved used and useful,
6 prudent and reasonable actual costs for the applicable
7 calendar year, which shall be determined pursuant to
8 the following criteria:

9 (i) The overall level of actual costs incurred
10 during the calendar year, provided that the
11 Commission may not allow recovery of actual costs
12 that are more than 105% of the approved revenue
13 requirement calculated as provided in item (ii) of
14 this subparagraph (A), except to the extent the
15 Commission approves a modification of the
16 Multi-Year Rate Plan to permit such recovery.

17 (ii) The calculation of 105% of the revenue
18 requirement required by this subparagraph (A)
19 shall exclude the revenue requirement impacts of
20 the following volatile and fluctuating variables
21 that occurred during the year: (i) storms and
22 weather-related events for which the utility
23 provides sufficient evidence to demonstrate that
24 such expenses were not foreseeable and not in
25 control of the utility; (ii) new business; (iii)
26 changes in interest rates; (iv) changes in taxes;

1 (v) facility relocations; (vi) changes in pension
2 or post-retirement benefits costs due to
3 fluctuations in interest rates, market returns or
4 actuarial assumptions; (vii) amortization expenses
5 related to costs; and (viii) changes in the timing
6 of when an expenditure or investment is made such
7 that it is accelerated to occur during the
8 applicable year or deferred to occur in a
9 subsequent year.

10 (B) the year-end rate base;

11 (C) the cost of equity approved in the multi-year
12 rate plan; and

13 (D) the electric utility's actual year-end capital
14 structure, provided that the common equity ratio in
15 such capital structure may not exceed the common
16 equity ratio that was approved by the Commission in
17 the Multi-Year Rate Plan.

18 (2) The Commission's determinations of the prudence
19 and reasonableness of the costs incurred for the
20 applicable year, and of the original cost of plant in
21 service as of the end of the applicable calendar year,
22 shall be final upon entry of the Commission's order and
23 shall not be subject to collateral attack in any other
24 Commission proceeding, case, docket, order, rule, or
25 regulation; however, nothing in this Section shall
26 prohibit a party from petitioning the Commission to rehear

1 or appeal to the courts the order pursuant to the
2 provisions of this Act.

3 (g) During the period leading to approval of the first
4 Multi-Year Integrated Grid Plan, each electric utility will
5 necessarily continue to invest in its distribution grid. Those
6 investments will be subject to a determination of prudence and
7 reasonableness consistent with Commission practice and law.
8 Any failure to conform to the Multi-Year Integrated Grid Plan
9 ultimately approved shall not imply imprudence or
10 unreasonableness.

11 (h) After calculating the Performance Adjustment and
12 Annual Adjustment, the Commission shall order the electric
13 utility to collect the amount in excess of the revenue
14 requirement from customers, or issue a refund to customers, as
15 applicable, to be applied through a surcharge beginning with
16 the next calendar year.

17 Electric utilities subject to the requirements of this
18 Section shall be permitted to file new or revised tariffs to
19 comply with the provisions of, and Commission orders entered
20 pursuant to, this Section.

21 (220 ILCS 5/16-108.19 new)

22 Sec. 16-108.19. Division of Integrated Distribution
23 Planning.

24 (a) The Commission shall establish the Division of
25 Integrated Distribution Planning within the Bureau of Public

1 Utilities. The Division shall be staffed by no less than 13
2 professionals, including engineers, rate analysts,
3 accountants, policy analysts, utility research and analysis
4 analysts, cybersecurity analysts, informational technology
5 specialists, and lawyers to review and evaluate Integrated
6 Grid Plans, updates to Integrated Grid Plans, audits, and
7 other duties as assigned by the Chief of the Public Utilities
8 Bureau.

9 (b) The Division of Integrated Distribution Planning shall
10 be established by January 1, 2022.

11 (220 ILCS 5/16-108.20 new)

12 Sec. 16-108.20. Cost-effectiveness incentive.

13 (a) The General Assembly finds that it is critical to
14 maintain this focus on utility bill affordability as the State
15 transitions to a clean energy economy. The General Assembly
16 accordingly finds that it may be in the public interest to
17 incentivize electric utilities to reduce spending where
18 practicable and where such reduction will not have an adverse
19 impact on the State's clean energy goals; this Act's
20 overarching objectives of efficiency, environmental quality,
21 reliability, and equity; or the utility's achievement on its
22 metrics.

23 (b) In addition to the performance metrics established and
24 approved by the Commission pursuant to Section 16-108.18 of
25 this Act, the Commission may also determine whether each

1 electric utility that serves more than 500,000 retail
2 customers in the State may also be subject to a performance
3 metric that incentivizes the utility to make cost-effective
4 choices and stretch to achieve cost savings for public utility
5 customers where it can do so without adverse impact (on
6 efficiency, environmental quality, reliability or equity).

7 (c) The Commission shall initiate a docket on the subject
8 of cost-effective shared savings, and shall make a
9 determination if it would be in the public interest and the
10 best interest of electric utility customers to establish a
11 performance metric that incentivizes utilities to reduce their
12 costs while meeting all other performance metrics and
13 addressing state goals as found in this Act.

14 (d) At the conclusion of the docket, if the Commission
15 determines that such an incentive is in the best interest of
16 consumers, the Commission shall have the authority to set a
17 specific metric as part of the performance metric process
18 pursuant to Section 16-108.18. Such metric shall include a
19 determination of the percentage of the shared savings to be
20 returned to the customers and to the utility. Such percentage
21 shall be set so as to incentivize the utility to make savings,
22 while providing substantial benefits to consumers.

23 (220 ILCS 5/16-108.21 new)

24 Sec. 16-108.21. Accelerated repayment of excess deferred
25 income tax.

1 (a) The General Assembly finds:

2 (1) That a portion of each utility's compensation from
3 ratepayers is attributable to reimbursement for federal
4 taxes paid by the utility.

5 (2) Due to the enactment of the 2017 Tax Cut and Jobs
6 Act, the federal income tax rate for corporations was
7 lowered, resulting in excess deferred income tax for
8 distribution utilities in the State that serve more than
9 100,000 customers.

10 (3) In proceedings before the Commission, it was
11 determined that the repayment period to ratepayers by the
12 utilities which serve more than 100,000 customers in this
13 State for this excess deferred income tax would be 39.5
14 years.

15 (4) The COVID-19 pandemic has harmed many customers of
16 all rate classes in the State, and resulted in the
17 Commission adopting a number of measures to provide relief
18 for customers.

19 (5) It would be in the interest of the State for the
20 repayment of the excess deferred income tax referenced in
21 Commission Dockets 19-0436, 19-0387, 20-0381, and 20-0393
22 to be paid back to ratepayers on a timetable greatly
23 accelerated from that set forth in the dockets.

24 (b) Notwithstanding the Commission Orders in Dockets
25 19-0436, 19-0387, 20-0381, and 20-0382, the excess deferred
26 income tax referenced in those dockets shall be fully refunded

1 to ratepayers by the respective utilities no later than
2 December 31, 2025.

3 (c) The Commission shall initiate a docket to provide for
4 the refunding of these excess deferred income taxes to
5 ratepayers of the utilities referenced in those dockets, and
6 shall set forth any necessary provisions to accomplish the
7 reimbursement on the schedule delineated in subsection (b).

8 (220 ILCS 5/16-108.25 new)

9 Sec. 16-108.25. Tariff regarding transition in rates. Each
10 electric utility that files a Multi-Year Rate Plan pursuant to
11 Section 16-108.18 of this Act or a general rate case as
12 described in this Act shall also file a tariff that sets forth
13 the processes and procedures by which the electric utility
14 will transition from its current rates and ratemaking
15 mechanism to the new Multi-Year Rate Plan or a general rate
16 case and rates that will take effect under that multi-year
17 plan. The proposed tariff shall be consistent with the tariff
18 approved by the Commission in Docket No. 20-0426 and covers
19 the period until the new delivery rates are effective and all
20 required processes and procedures described in the tariff have
21 been completed.

22 Each electric utility subject to this Section shall file
23 its proposed tariff no later than 30 days after the effective
24 date of this amendatory Act of the 102nd General Assembly, and
25 the Commission shall enter its order approving the tariff no

1 later than 120 days after it was filed if the Commission finds
2 that the proposed tariff is consistent with the tariff
3 previously approved in Docket No. 20-0426 for the period until
4 the new delivery rates are effective and all required
5 processes and procedures described in the tariff have been
6 completed. If the Commission does not so find, then the
7 Commission shall approve the utility's tariff with those
8 modifications that are required to make the proposed tariff
9 consistent with the tariff approved in Docket 20-0426 until
10 the new delivery rates are effective and all required
11 processes and procedures described in the tariff have been
12 completed.

13 An electric utility that has a tariff in effect on the
14 effective date of this amendatory Act of the 102nd General
15 Assembly that provides for the transition from its current
16 rates and ratemaking mechanism to new base rates approved
17 pursuant to Article IX of this Act, shall file a compliance
18 tariff modifying its existing tariff to comply with the
19 provisions of this Section. The compliance tariff shall go
20 into effect on 45 days' notice.

21 (220 ILCS 5/16-108.30 new)

22 Sec. 16-108.30. Energy Transition Assistance Fund.

23 (a) The Energy Transition Assistance Fund is hereby
24 created as a special fund in the State Treasury. The Energy
25 Transition Assistance Fund is authorized to receive moneys

1 collected pursuant to this Section. Subject to appropriation,
2 the Department of Commerce and Economic Opportunity shall use
3 moneys from the Energy Transition Assistance Fund consistent
4 with the purposes of this Act.

5 (b) An electric utility serving more than 500,000
6 customers in the State shall assess an energy transition
7 assistance charge on all its retail customers for the Energy
8 Transition Assistance Fund. The utility's total charge shall
9 be set based upon the value determined by the Department of
10 Commerce and Economic Opportunity pursuant to subsection (d)
11 or (e), as applicable, of Section 605-1075 of the Department
12 of Commerce and Economic Opportunity Law of the Civil
13 Administrative Code of Illinois. For each utility, the charge
14 shall be recovered through a single, uniform cents per
15 kilowatt-hour charge applicable to all retail customers. For
16 each utility, the charge shall not exceed 1.3% of the amount
17 paid per kilowatthour by those customers during the year
18 ending May 31, 2009.

19 (c) Within 75 days of the effective date of this
20 amendatory Act of the 102nd General Assembly, each electric
21 utility serving more than 500,000 customers in the State shall
22 file with the Illinois Commerce Commission tariffs
23 incorporating the energy transition assistance charge in other
24 charges stated in such tariffs, which shall become effective
25 no later than the beginning of the first billing cycle
26 following such filing. Each electric utility serving more than

1 500,000 customers in the State shall, prior to the beginning
2 of each calendar year starting with calendar year 2021, file
3 with the Illinois Commerce Commission tariff revisions to
4 incorporate annual revisions to the energy transition
5 assistance charge as prescribed by the Department of Commerce
6 and Economic Opportunity pursuant to Section 605-1075 of the
7 Department of Commerce and Economic Opportunity Law of the
8 Civil Administrative Code of Illinois so that such revision
9 becomes effective no later than the beginning of the first
10 billing cycle in each respective year.

11 (d) The energy transition assistance charge shall be
12 considered a charge for public utility service.

13 (e) By the 20th day of the month following the month in
14 which the charges imposed by this Section were collected, each
15 electric utility serving more than 500,000 customers in the
16 State shall remit to Department of Revenue all moneys received
17 as payment of the energy transition assistance charge on a
18 return prescribed and furnished by the Department of Revenue
19 showing such information as the Department of Revenue may
20 reasonably require. If a customer makes a partial payment, a
21 public utility may apply such partial payments first to
22 amounts owed to the utility. No customer may be subjected to
23 disconnection of his or her utility service for failure to pay
24 the energy transition assistance charge.

25 If any payment provided for in this subsection exceeds the
26 electric utility's liabilities under this Act, as shown on an

1 original return, the Department may authorize the electric
2 utility to credit such excess payment against liability
3 subsequently to be remitted to the Department under this Act,
4 in accordance with reasonable rules adopted by the Department.

5 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
6 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
7 of the Retailers' Occupation Tax Act that are not inconsistent
8 with this Act apply, as far as practicable, to the charge
9 imposed by this Act to the same extent as if those provisions
10 were included in this Act. References in the incorporated
11 Sections of the Retailers' Occupation Tax Act to retailers, to
12 sellers, or to persons engaged in the business of selling
13 tangible personal property mean persons required to remit the
14 charge imposed under this Act.

15 (f) The Department of Revenue shall deposit into the
16 Energy Transition Assistance Fund all moneys remitted to it in
17 accordance with this Section.

18 (g) The Department of Revenue may establish such rules as
19 it deems necessary to implement this Section.

20 (h) The Department of Commerce and Economic Opportunity
21 may establish such rules as it deems necessary to implement
22 this Section.

23 (220 ILCS 5/16-111.5)

24 Sec. 16-111.5. Provisions relating to procurement.

25 (a) An electric utility that on December 31, 2005 served

1 at least 100,000 customers in Illinois shall procure power and
2 energy for its eligible retail customers in accordance with
3 the applicable provisions set forth in Section 1-75 of the
4 Illinois Power Agency Act and this Section. Beginning with the
5 delivery year commencing on June 1, 2017, such electric
6 utility shall also procure zero emission credits from zero
7 emission facilities in accordance with the applicable
8 provisions set forth in Section 1-75 of the Illinois Power
9 Agency Act, and, for years beginning on or after June 1, 2017,
10 the utility shall procure renewable energy resources in
11 accordance with the applicable provisions set forth in Section
12 1-75 of the Illinois Power Agency Act and this Section.
13 Beginning with the delivery year commencing on June 1, 2022,
14 an electric utility serving over 3,000,000 customers shall
15 also procure carbon mitigation credits from carbon-free energy
16 resources in accordance with the applicable provisions set
17 forth in Section 1-75 of the Illinois Power Agency Act and this
18 Section. A small multi-jurisdictional electric utility that on
19 December 31, 2005 served less than 100,000 customers in
20 Illinois may elect to procure power and energy for all or a
21 portion of its eligible Illinois retail customers in
22 accordance with the applicable provisions set forth in this
23 Section and Section 1-75 of the Illinois Power Agency Act.
24 This Section shall not apply to a small multi-jurisdictional
25 utility until such time as a small multi-jurisdictional
26 utility requests the Illinois Power Agency to prepare a

1 procurement plan for its eligible retail customers. "Eligible
2 retail customers" for the purposes of this Section means those
3 retail customers that purchase power and energy from the
4 electric utility under fixed-price bundled service tariffs,
5 other than those retail customers whose service is declared or
6 deemed competitive under Section 16-113 and those other
7 customer groups specified in this Section, including
8 self-generating customers, customers electing hourly pricing,
9 or those customers who are otherwise ineligible for
10 fixed-price bundled tariff service. For those customers that
11 are excluded from the procurement plan's electric supply
12 service requirements, and the utility shall procure any supply
13 requirements, including capacity, ancillary services, and
14 hourly priced energy, in the applicable markets as needed to
15 serve those customers, provided that the utility may include
16 in its procurement plan load requirements for the load that is
17 associated with those retail customers whose service has been
18 declared or deemed competitive pursuant to Section 16-113 of
19 this Act to the extent that those customers are purchasing
20 power and energy during one of the transition periods
21 identified in subsection (b) of Section 16-113 of this Act.

22 (b) A procurement plan shall be prepared for each electric
23 utility consistent with the applicable requirements of the
24 Illinois Power Agency Act and this Section. For purposes of
25 this Section, Illinois electric utilities that are affiliated
26 by virtue of a common parent company are considered to be a

1 single electric utility. Small multi-jurisdictional utilities
2 may request a procurement plan for a portion of or all of its
3 Illinois load. Each procurement plan shall analyze the
4 projected balance of supply and demand for those retail
5 customers to be included in the plan's electric supply service
6 requirements over a 5-year period, with the first planning
7 year beginning on June 1 of the year following the year in
8 which the plan is filed. The plan shall specifically identify
9 the wholesale products to be procured following plan approval,
10 and shall follow all the requirements set forth in the Public
11 Utilities Act and all applicable State and federal laws,
12 statutes, rules, or regulations, as well as Commission orders.
13 Nothing in this Section precludes consideration of contracts
14 longer than 5 years and related forecast data. Unless
15 specified otherwise in this Section, in the procurement plan
16 or in the implementing tariff, any procurement occurring in
17 accordance with this plan shall be competitively bid through a
18 request for proposals process. Approval and implementation of
19 the procurement plan shall be subject to review and approval
20 by the Commission according to the provisions set forth in
21 this Section. A procurement plan shall include each of the
22 following components:

23 (1) Hourly load analysis. This analysis shall include:

24 (i) multi-year historical analysis of hourly
25 loads;

26 (ii) switching trends and competitive retail

1 market analysis;

2 (iii) known or projected changes to future loads;

3 and

4 (iv) growth forecasts by customer class.

5 (2) Analysis of the impact of any demand side and
6 renewable energy initiatives. This analysis shall include:

7 (i) the impact of demand response programs and
8 energy efficiency programs, both current and
9 projected; for small multi-jurisdictional utilities,
10 the impact of demand response and energy efficiency
11 programs approved pursuant to Section 8-408 of this
12 Act, both current and projected; and

13 (ii) supply side needs that are projected to be
14 offset by purchases of renewable energy resources, if
15 any.

16 (3) A plan for meeting the expected load requirements
17 that will not be met through preexisting contracts. This
18 plan shall include:

19 (i) definitions of the different Illinois retail
20 customer classes for which supply is being purchased;

21 (ii) the proposed mix of demand-response products
22 for which contracts will be executed during the next
23 year. For small multi-jurisdictional electric
24 utilities that on December 31, 2005 served fewer than
25 100,000 customers in Illinois, these shall be defined
26 as demand-response products offered in an energy

1 efficiency plan approved pursuant to Section 8-408 of
2 this Act. The cost-effective demand-response measures
3 shall be procured whenever the cost is lower than
4 procuring comparable capacity products, provided that
5 such products shall:

6 (A) be procured by a demand-response provider
7 from those retail customers included in the plan's
8 electric supply service requirements;

9 (B) at least satisfy the demand-response
10 requirements of the regional transmission
11 organization market in which the utility's service
12 territory is located, including, but not limited
13 to, any applicable capacity or dispatch
14 requirements;

15 (C) provide for customers' participation in
16 the stream of benefits produced by the
17 demand-response products;

18 (D) provide for reimbursement by the
19 demand-response provider of the utility for any
20 costs incurred as a result of the failure of the
21 supplier of such products to perform its
22 obligations thereunder; and

23 (E) meet the same credit requirements as apply
24 to suppliers of capacity, in the applicable
25 regional transmission organization market;

26 (iii) monthly forecasted system supply

1 requirements, including expected minimum, maximum, and
2 average values for the planning period;

3 (iv) the proposed mix and selection of standard
4 wholesale products for which contracts will be
5 executed during the next year, separately or in
6 combination, to meet that portion of its load
7 requirements not met through pre-existing contracts,
8 including but not limited to monthly 5 x 16 peak period
9 block energy, monthly off-peak wrap energy, monthly 7
10 x 24 energy, annual 5 x 16 energy, other standardized
11 energy or capacity products designed to provide
12 eligible retail customer benefits from commercially
13 deployed advanced technologies including but not
14 limited to high voltage direct current converter
15 stations, as such term is defined in Section 1-10 of
16 the Illinois Power Agency Act, whether or not such
17 product is currently available in wholesale markets,
18 annual off-peak wrap energy, annual 7 x 24 energy,
19 monthly capacity, annual capacity, peak load capacity
20 obligations, capacity purchase plan, and ancillary
21 services;

22 (v) proposed term structures for each wholesale
23 product type included in the proposed procurement plan
24 portfolio of products; and

25 (vi) an assessment of the price risk, load
26 uncertainty, and other factors that are associated

1 with the proposed procurement plan; this assessment,
2 to the extent possible, shall include an analysis of
3 the following factors: contract terms, time frames for
4 securing products or services, fuel costs, weather
5 patterns, transmission costs, market conditions, and
6 the governmental regulatory environment; the proposed
7 procurement plan shall also identify alternatives for
8 those portfolio measures that are identified as having
9 significant price risk and mitigation in the form of
10 additional retail customer and ratepayer price,
11 reliability, and environmental benefits from
12 standardized energy products delivered from
13 commercially deployed advanced technologies,
14 including, but not limited to, high voltage direct
15 current converter stations, as such term is defined in
16 Section 1-10 of the Illinois Power Agency Act, whether
17 or not such product is currently available in
18 wholesale markets.

19 (4) Proposed procedures for balancing loads. The
20 procurement plan shall include, for load requirements
21 included in the procurement plan, the process for (i)
22 hourly balancing of supply and demand and (ii) the
23 criteria for portfolio re-balancing in the event of
24 significant shifts in load.

25 (5) Long-Term Renewable Resources Procurement Plan.
26 The Agency shall prepare a long-term renewable resources

1 procurement plan for the procurement of renewable energy
2 credits under Sections 1-56 and 1-75 of the Illinois Power
3 Agency Act for delivery beginning in the 2017 delivery
4 year.

5 (i) The initial long-term renewable resources
6 procurement plan and all subsequent revisions shall be
7 subject to review and approval by the Commission. For
8 the purposes of this Section, "delivery year" has the
9 same meaning as in Section 1-10 of the Illinois Power
10 Agency Act. For purposes of this Section, "Agency"
11 shall mean the Illinois Power Agency.

12 (ii) The long-term renewable resources planning
13 process shall be conducted as follows:

14 (A) Electric utilities shall provide a range
15 of load forecasts to the Illinois Power Agency
16 within 45 days of the Agency's request for
17 forecasts, which request shall specify the length
18 and conditions for the forecasts including, but
19 not limited to, the quantity of distributed
20 generation expected to be interconnected for each
21 year.

22 (B) The Agency shall publish for comment the
23 initial long-term renewable resources procurement
24 plan no later than 120 days after the effective
25 date of this amendatory Act of the 99th General
26 Assembly and shall review, and may revise, the

1 plan at least every 2 years thereafter. To the
2 extent practicable, the Agency shall review and
3 propose any revisions to the long-term renewable
4 energy resources procurement plan in conjunction
5 with the Agency's other planning and approval
6 processes conducted under this Section. The
7 initial long-term renewable resources procurement
8 plan shall:

9 (aa) Identify the procurement programs and
10 competitive procurement events consistent with
11 the applicable requirements of the Illinois
12 Power Agency Act and shall be designed to
13 achieve the goals set forth in subsection (c)
14 of Section 1-75 of that Act.

15 (bb) Include a schedule for procurements
16 for renewable energy credits from
17 utility-scale wind projects, utility-scale
18 solar projects, and brownfield site
19 photovoltaic projects consistent with
20 subparagraph (G) of paragraph (1) of
21 subsection (c) of Section 1-75 of the Illinois
22 Power Agency Act.

23 (cc) Identify the process whereby the
24 Agency will submit to the Commission for
25 review and approval the proposed contracts to
26 implement the programs required by such plan.

1 Copies of the initial long-term renewable
2 resources procurement plan and all subsequent
3 revisions shall be posted and made publicly
4 available on the Agency's and Commission's
5 websites, and copies shall also be provided to
6 each affected electric utility. An affected
7 utility and other interested parties shall have 45
8 days following the date of posting to provide
9 comment to the Agency on the initial long-term
10 renewable resources procurement plan and all
11 subsequent revisions. All comments submitted to
12 the Agency shall be specific, supported by data or
13 other detailed analyses, and, if objecting to all
14 or a portion of the procurement plan, accompanied
15 by specific alternative wording or proposals. All
16 comments shall be posted on the Agency's and
17 Commission's websites. During this 45-day comment
18 period, the Agency shall hold at least one public
19 hearing within each utility's service area that is
20 subject to the requirements of this paragraph (5)
21 for the purpose of receiving public comment.
22 Within 21 days following the end of the 45-day
23 review period, the Agency may revise the long-term
24 renewable resources procurement plan based on the
25 comments received and shall file the plan with the
26 Commission for review and approval.

1 (C) Within 14 days after the filing of the
2 initial long-term renewable resources procurement
3 plan or any subsequent revisions, any person
4 objecting to the plan may file an objection with
5 the Commission. Within 21 days after the filing of
6 the plan, the Commission shall determine whether a
7 hearing is necessary. The Commission shall enter
8 its order confirming or modifying the initial
9 long-term renewable resources procurement plan or
10 any subsequent revisions within 120 days after the
11 filing of the plan by the Illinois Power Agency.

12 (D) The Commission shall approve the initial
13 long-term renewable resources procurement plan and
14 any subsequent revisions, including expressly the
15 forecast used in the plan and taking into account
16 that funding will be limited to the amount of
17 revenues actually collected by the utilities, if
18 the Commission determines that the plan will
19 reasonably and prudently accomplish the
20 requirements of Section 1-56 and subsection (c) of
21 Section 1-75 of the Illinois Power Agency Act. The
22 Commission shall also approve the process for the
23 submission, review, and approval of the proposed
24 contracts to procure renewable energy credits or
25 implement the programs authorized by the
26 Commission pursuant to a long-term renewable

1 resources procurement plan approved under this
2 Section.

3 In approving any long-term renewable resources
4 procurement plan after the effective date of this
5 amendatory Act of the 102nd General Assembly, the
6 Commission shall approve or modify the Agency's
7 proposal for minimum equity standards pursuant to
8 subsection (c-10) of Section 1-75 of the Illinois
9 Power Agency Act. The Commission shall consider
10 any analysis performed by the Agency in developing
11 its proposal, including past performance,
12 availability of equity eligible contractors, and
13 availability of equity eligible persons at the
14 time the long-term renewable resources procurement
15 plan is approved.

16 (iii) The Agency or third parties contracted by
17 the Agency shall implement all programs authorized by
18 the Commission in an approved long-term renewable
19 resources procurement plan without further review and
20 approval by the Commission. Third parties shall not
21 begin implementing any programs or receive any payment
22 under this Section until the Commission has approved
23 the contract or contracts under the process authorized
24 by the Commission in item (D) of subparagraph (ii) of
25 paragraph (5) of this subsection (b) and the third
26 party and the Agency or utility, as applicable, have

1 executed the contract. For those renewable energy
2 credits subject to procurement through a competitive
3 bid process under the plan or under the initial
4 forward procurements for wind and solar resources
5 described in subparagraph (G) of paragraph (1) of
6 subsection (c) of Section 1-75 of the Illinois Power
7 Agency Act, the Agency shall follow the procurement
8 process specified in the provisions relating to
9 electricity procurement in subsections (e) through (i)
10 of this Section.

11 (iv) An electric utility shall recover its costs
12 associated with the procurement of renewable energy
13 credits under this Section and pursuant to subsection
14 (c-5) of Section 1-75 of the Illinois Power Agency Act
15 through an automatic adjustment clause tariff under
16 subsection (k) or a tariff pursuant to subsection
17 (i-5), as applicable, of Section 16-108 of this Act. A
18 utility shall not be required to advance any payment
19 or pay any amounts under this Section that exceed the
20 actual amount of revenues collected by the utility
21 under paragraph (6) of subsection (c) of Section 1-75
22 of the Illinois Power Agency Act, subsection (c-5) of
23 Section 1-75 of the Illinois Power Agency Act, and
24 subsection (k) or subsection (i-5), as applicable, of
25 Section 16-108 of this Act, and contracts executed
26 under this Section shall expressly incorporate this

1 limitation.

2 (v) For the public interest, safety, and welfare,
3 the Agency and the Commission may adopt rules to carry
4 out the provisions of this Section on an emergency
5 basis immediately following the effective date of this
6 amendatory Act of the 99th General Assembly.

7 (vi) On or before July 1 of each year, the
8 Commission shall hold an informal hearing for the
9 purpose of receiving comments on the prior year's
10 procurement process and any recommendations for
11 change.

12 (b-5) An electric utility that as of January 1, 2019
13 served more than 300,000 retail customers in this State shall
14 purchase renewable energy credits from new renewable energy
15 facilities constructed at or adjacent to the sites of
16 coal-fueled electric generating facilities in this State in
17 accordance with subsection (c-5) of Section 1-75 of the
18 Illinois Power Agency Act. Except as expressly provided in
19 this Section, the plans and procedures for such procurements
20 shall not be included in the procurement plans provided for in
21 this Section, but rather shall be conducted and implemented
22 solely in accordance with subsection (c-5) of Section 1-75 of
23 the Illinois Power Agency Act.

24 (c) The provisions of this subsection (c) shall not apply
25 to procurements conducted pursuant to subsection (c-5) of
26 Section 1-75 of the Illinois Power Agency Act. However, the

1 Agency may retain a procurement administrator to assist the
2 Agency in planning and carrying out the procurement events and
3 implementing the other requirements specified in such
4 subsection (c-5) of Section 1-75 of the Illinois Power Agency
5 Act, with the costs incurred by the Agency for the procurement
6 administrator to be recovered through fees charged to
7 applicants for selection to sell and deliver renewable energy
8 credits to electric utilities pursuant to subsection (c-5) of
9 Section 1-75 of the Illinois Power Agency Act. The procurement
10 process set forth in Section 1-75 of the Illinois Power Agency
11 Act and subsection (e) of this Section shall be administered
12 by a procurement administrator and monitored by a procurement
13 monitor.

14 (1) The procurement administrator shall:

15 (i) design the final procurement process in
16 accordance with Section 1-75 of the Illinois Power
17 Agency Act and subsection (e) of this Section
18 following Commission approval of the procurement plan;

19 (ii) develop benchmarks in accordance with
20 subsection (e)(3) to be used to evaluate bids; these
21 benchmarks shall be submitted to the Commission for
22 review and approval on a confidential basis prior to
23 the procurement event;

24 (iii) serve as the interface between the electric
25 utility and suppliers;

26 (iv) manage the bidder pre-qualification and

1 registration process;

2 (v) obtain the electric utilities' agreement to
3 the final form of all supply contracts and credit
4 collateral agreements;

5 (vi) administer the request for proposals process;

6 (vii) have the discretion to negotiate to
7 determine whether bidders are willing to lower the
8 price of bids that meet the benchmarks approved by the
9 Commission; any post-bid negotiations with bidders
10 shall be limited to price only and shall be completed
11 within 24 hours after opening the sealed bids and
12 shall be conducted in a fair and unbiased manner; in
13 conducting the negotiations, there shall be no
14 disclosure of any information derived from proposals
15 submitted by competing bidders; if information is
16 disclosed to any bidder, it shall be provided to all
17 competing bidders;

18 (viii) maintain confidentiality of supplier and
19 bidding information in a manner consistent with all
20 applicable laws, rules, regulations, and tariffs;

21 (ix) submit a confidential report to the
22 Commission recommending acceptance or rejection of
23 bids;

24 (x) notify the utility of contract counterparties
25 and contract specifics; and

26 (xi) administer related contingency procurement

1 events.

2 (2) The procurement monitor, who shall be retained by
3 the Commission, shall:

4 (i) monitor interactions among the procurement
5 administrator, suppliers, and utility;

6 (ii) monitor and report to the Commission on the
7 progress of the procurement process;

8 (iii) provide an independent confidential report
9 to the Commission regarding the results of the
10 procurement event;

11 (iv) assess compliance with the procurement plans
12 approved by the Commission for each utility that on
13 December 31, 2005 provided electric service to at
14 least 100,000 customers in Illinois and for each small
15 multi-jurisdictional utility that on December 31, 2005
16 served less than 100,000 customers in Illinois;

17 (v) preserve the confidentiality of supplier and
18 bidding information in a manner consistent with all
19 applicable laws, rules, regulations, and tariffs;

20 (vi) provide expert advice to the Commission and
21 consult with the procurement administrator regarding
22 issues related to procurement process design, rules,
23 protocols, and policy-related matters; and

24 (vii) consult with the procurement administrator
25 regarding the development and use of benchmark
26 criteria, standard form contracts, credit policies,

1 and bid documents.

2 (d) Except as provided in subsection (j), the planning
3 process shall be conducted as follows:

4 (1) Beginning in 2008, each Illinois utility procuring
5 power pursuant to this Section shall annually provide a
6 range of load forecasts to the Illinois Power Agency by
7 July 15 of each year, or such other date as may be required
8 by the Commission or Agency. The load forecasts shall
9 cover the 5-year procurement planning period for the next
10 procurement plan and shall include hourly data
11 representing a high-load, low-load, and expected-load
12 scenario for the load of those retail customers included
13 in the plan's electric supply service requirements. The
14 utility shall provide supporting data and assumptions for
15 each of the scenarios.

16 (2) Beginning in 2008, the Illinois Power Agency shall
17 prepare a procurement plan by August 15th of each year, or
18 such other date as may be required by the Commission. The
19 procurement plan shall identify the portfolio of
20 demand-response and power and energy products to be
21 procured. Cost-effective demand-response measures shall be
22 procured as set forth in item (iii) of subsection (b) of
23 this Section. Copies of the procurement plan shall be
24 posted and made publicly available on the Agency's and
25 Commission's websites, and copies shall also be provided
26 to each affected electric utility. An affected utility

1 shall have 30 days following the date of posting to
2 provide comment to the Agency on the procurement plan.
3 Other interested entities also may comment on the
4 procurement plan. All comments submitted to the Agency
5 shall be specific, supported by data or other detailed
6 analyses, and, if objecting to all or a portion of the
7 procurement plan, accompanied by specific alternative
8 wording or proposals. All comments shall be posted on the
9 Agency's and Commission's websites. During this 30-day
10 comment period, the Agency shall hold at least one public
11 hearing within each utility's service area for the purpose
12 of receiving public comment on the procurement plan.
13 Within 14 days following the end of the 30-day review
14 period, the Agency shall revise the procurement plan as
15 necessary based on the comments received and file the
16 procurement plan with the Commission and post the
17 procurement plan on the websites.

18 (3) Within 5 days after the filing of the procurement
19 plan, any person objecting to the procurement plan shall
20 file an objection with the Commission. Within 10 days
21 after the filing, the Commission shall determine whether a
22 hearing is necessary. The Commission shall enter its order
23 confirming or modifying the procurement plan within 90
24 days after the filing of the procurement plan by the
25 Illinois Power Agency.

26 (4) The Commission shall approve the procurement plan,

1 including expressly the forecast used in the procurement
2 plan, if the Commission determines that it will ensure
3 adequate, reliable, affordable, efficient, and
4 environmentally sustainable electric service at the lowest
5 total cost over time, taking into account any benefits of
6 price stability.

7 (4.5) The Commission shall review the Agency's
8 recommendations for the selection of applicants to enter
9 into long-term contracts for the sale and delivery of
10 renewable energy credits from new renewable energy
11 facilities to be constructed at or adjacent to the sites
12 of coal-fueled electric generating facilities in this
13 State in accordance with the provisions of subsection
14 (c-5) of Section 1-75 of the Illinois Power Agency Act,
15 and shall approve the Agency's recommendations if the
16 Commission determines that the applicants recommended by
17 the Agency for selection, the proposed new renewable
18 energy facilities to be constructed, the amounts of
19 renewable energy credits to be delivered pursuant to the
20 contracts, and the other terms of the contracts, are
21 consistent with the requirements of subsection (c-5) of
22 Section 1-75 of the Illinois Power Agency Act.

23 (e) The procurement process shall include each of the
24 following components:

25 (1) Solicitation, pre-qualification, and registration
26 of bidders. The procurement administrator shall

1 disseminate information to potential bidders to promote a
2 procurement event, notify potential bidders that the
3 procurement administrator may enter into a post-bid price
4 negotiation with bidders that meet the applicable
5 benchmarks, provide supply requirements, and otherwise
6 explain the competitive procurement process. In addition
7 to such other publication as the procurement administrator
8 determines is appropriate, this information shall be
9 posted on the Illinois Power Agency's and the Commission's
10 websites. The procurement administrator shall also
11 administer the prequalification process, including
12 evaluation of credit worthiness, compliance with
13 procurement rules, and agreement to the standard form
14 contract developed pursuant to paragraph (2) of this
15 subsection (e). The procurement administrator shall then
16 identify and register bidders to participate in the
17 procurement event.

18 (2) Standard contract forms and credit terms and
19 instruments. The procurement administrator, in
20 consultation with the utilities, the Commission, and other
21 interested parties and subject to Commission oversight,
22 shall develop and provide standard contract forms for the
23 supplier contracts that meet generally accepted industry
24 practices. Standard credit terms and instruments that meet
25 generally accepted industry practices shall be similarly
26 developed. The procurement administrator shall make

1 available to the Commission all written comments it
2 receives on the contract forms, credit terms, or
3 instruments. If the procurement administrator cannot reach
4 agreement with the applicable electric utility as to the
5 contract terms and conditions, the procurement
6 administrator must notify the Commission of any disputed
7 terms and the Commission shall resolve the dispute. The
8 terms of the contracts shall not be subject to negotiation
9 by winning bidders, and the bidders must agree to the
10 terms of the contract in advance so that winning bids are
11 selected solely on the basis of price.

12 (3) Establishment of a market-based price benchmark.
13 As part of the development of the procurement process, the
14 procurement administrator, in consultation with the
15 Commission staff, Agency staff, and the procurement
16 monitor, shall establish benchmarks for evaluating the
17 final prices in the contracts for each of the products
18 that will be procured through the procurement process. The
19 benchmarks shall be based on price data for similar
20 products for the same delivery period and same delivery
21 hub, or other delivery hubs after adjusting for that
22 difference. The price benchmarks may also be adjusted to
23 take into account differences between the information
24 reflected in the underlying data sources and the specific
25 products and procurement process being used to procure
26 power for the Illinois utilities. The benchmarks shall be

1 confidential but shall be provided to, and will be subject
2 to Commission review and approval, prior to a procurement
3 event.

4 (4) Request for proposals competitive procurement
5 process. The procurement administrator shall design and
6 issue a request for proposals to supply electricity in
7 accordance with each utility's procurement plan, as
8 approved by the Commission. The request for proposals
9 shall set forth a procedure for sealed, binding commitment
10 bidding with pay-as-bid settlement, and provision for
11 selection of bids on the basis of price.

12 (5) A plan for implementing contingencies in the event
13 of supplier default or failure of the procurement process
14 to fully meet the expected load requirement due to
15 insufficient supplier participation, Commission rejection
16 of results, or any other cause.

17 (i) Event of supplier default: In the event of
18 supplier default, the utility shall review the
19 contract of the defaulting supplier to determine if
20 the amount of supply is 200 megawatts or greater, and
21 if there are more than 60 days remaining of the
22 contract term. If both of these conditions are met,
23 and the default results in termination of the
24 contract, the utility shall immediately notify the
25 Illinois Power Agency that a request for proposals
26 must be issued to procure replacement power, and the

1 procurement administrator shall run an additional
2 procurement event. If the contracted supply of the
3 defaulting supplier is less than 200 megawatts or
4 there are less than 60 days remaining of the contract
5 term, the utility shall procure power and energy from
6 the applicable regional transmission organization
7 market, including ancillary services, capacity, and
8 day-ahead or real time energy, or both, for the
9 duration of the contract term to replace the
10 contracted supply; provided, however, that if a needed
11 product is not available through the regional
12 transmission organization market it shall be purchased
13 from the wholesale market.

14 (ii) Failure of the procurement process to fully
15 meet the expected load requirement: If the procurement
16 process fails to fully meet the expected load
17 requirement due to insufficient supplier participation
18 or due to a Commission rejection of the procurement
19 results, the procurement administrator, the
20 procurement monitor, and the Commission staff shall
21 meet within 10 days to analyze potential causes of low
22 supplier interest or causes for the Commission
23 decision. If changes are identified that would likely
24 result in increased supplier participation, or that
25 would address concerns causing the Commission to
26 reject the results of the prior procurement event, the

1 procurement administrator may implement those changes
2 and rerun the request for proposals process according
3 to a schedule determined by those parties and
4 consistent with Section 1-75 of the Illinois Power
5 Agency Act and this subsection. In any event, a new
6 request for proposals process shall be implemented by
7 the procurement administrator within 90 days after the
8 determination that the procurement process has failed
9 to fully meet the expected load requirement.

10 (iii) In all cases where there is insufficient
11 supply provided under contracts awarded through the
12 procurement process to fully meet the electric
13 utility's load requirement, the utility shall meet the
14 load requirement by procuring power and energy from
15 the applicable regional transmission organization
16 market, including ancillary services, capacity, and
17 day-ahead or real time energy, or both; provided,
18 however, that if a needed product is not available
19 through the regional transmission organization market
20 it shall be purchased from the wholesale market.

21 (6) The procurement processes ~~process~~ described in
22 this subsection and in subsection (c-5) of Section 1-75 of
23 the Illinois Power Agency Act are ~~is~~ exempt from the
24 requirements of the Illinois Procurement Code, pursuant to
25 Section 20-10 of that Code.

26 (f) Within 2 business days after opening the sealed bids,

1 the procurement administrator shall submit a confidential
2 report to the Commission. The report shall contain the results
3 of the bidding for each of the products along with the
4 procurement administrator's recommendation for the acceptance
5 and rejection of bids based on the price benchmark criteria
6 and other factors observed in the process. The procurement
7 monitor also shall submit a confidential report to the
8 Commission within 2 business days after opening the sealed
9 bids. The report shall contain the procurement monitor's
10 assessment of bidder behavior in the process as well as an
11 assessment of the procurement administrator's compliance with
12 the procurement process and rules. The Commission shall review
13 the confidential reports submitted by the procurement
14 administrator and procurement monitor, and shall accept or
15 reject the recommendations of the procurement administrator
16 within 2 business days after receipt of the reports.

17 (g) Within 3 business days after the Commission decision
18 approving the results of a procurement event, the utility
19 shall enter into binding contractual arrangements with the
20 winning suppliers using the standard form contracts; except
21 that the utility shall not be required either directly or
22 indirectly to execute the contracts if a tariff that is
23 consistent with subsection (l) of this Section has not been
24 approved and placed into effect for that utility.

25 (h) For the procurement of standard wholesale products,
26 the names of the successful bidders and the load weighted

1 average of the winning bid prices for each contract type and
2 for each contract term shall be made available to the public at
3 the time of Commission approval of a procurement event. For
4 procurements conducted to meet the requirements of subsection
5 (b) of Section 1-56 or subsection (c) of Section 1-75 of the
6 Illinois Power Agency Act governed by the provisions of this
7 Section, the address and nameplate capacity of the new
8 renewable energy generating facility proposed by a winning
9 bidder shall also be made available to the public at the time
10 of Commission approval of a procurement event, along with the
11 business address and contact information for any winning
12 bidder. An estimate or approximation of the nameplate capacity
13 of the new renewable energy generating facility may be
14 disclosed if necessary to protect the confidentiality of
15 individual bid prices.

16 The Commission, the procurement monitor, the procurement
17 administrator, the Illinois Power Agency, and all participants
18 in the procurement process shall maintain the confidentiality
19 of all other supplier and bidding information in a manner
20 consistent with all applicable laws, rules, regulations, and
21 tariffs. Confidential information, including the confidential
22 reports submitted by the procurement administrator and
23 procurement monitor pursuant to subsection (f) of this
24 Section, shall not be made publicly available and shall not be
25 discoverable by any party in any proceeding, absent a
26 compelling demonstration of need, nor shall those reports be

1 admissible in any proceeding other than one for law
2 enforcement purposes. ~~The names of the successful bidders and~~
3 ~~the load weighted average of the winning bid prices for each~~
4 ~~contract type and for each contract term shall be made~~
5 ~~available to the public at the time of Commission approval of a~~
6 ~~procurement event. The Commission, the procurement monitor,~~
7 ~~the procurement administrator, the Illinois Power Agency, and~~
8 ~~all participants in the procurement process shall maintain the~~
9 ~~confidentiality of all other supplier and bidding information~~
10 ~~in a manner consistent with all applicable laws, rules,~~
11 ~~regulations, and tariffs. Confidential information, including~~
12 ~~the confidential reports submitted by the procurement~~
13 ~~administrator and procurement monitor pursuant to subsection~~
14 ~~(f) of this Section, shall not be made publicly available and~~
15 ~~shall not be discoverable by any party in any proceeding,~~
16 ~~absent a compelling demonstration of need, nor shall those~~
17 ~~reports be admissible in any proceeding other than one for law~~
18 ~~enforcement purposes.~~

19 (i) Within 2 business days after a Commission decision
20 approving the results of a procurement event or such other
21 date as may be required by the Commission from time to time,
22 the utility shall file for informational purposes with the
23 Commission its actual or estimated retail supply charges, as
24 applicable, by customer supply group reflecting the costs
25 associated with the procurement and computed in accordance
26 with the tariffs filed pursuant to subsection (1) of this

1 Section and approved by the Commission.

2 (j) Within 60 days following August 28, 2007 (the
3 effective date of Public Act 95-481), each electric utility
4 that on December 31, 2005 provided electric service to at
5 least 100,000 customers in Illinois shall prepare and file
6 with the Commission an initial procurement plan, which shall
7 conform in all material respects to the requirements of the
8 procurement plan set forth in subsection (b); provided,
9 however, that the Illinois Power Agency Act shall not apply to
10 the initial procurement plan prepared pursuant to this
11 subsection. The initial procurement plan shall identify the
12 portfolio of power and energy products to be procured and
13 delivered for the period June 2008 through May 2009, and shall
14 identify the proposed procurement administrator, who shall
15 have the same experience and expertise as is required of a
16 procurement administrator hired pursuant to Section 1-75 of
17 the Illinois Power Agency Act. Copies of the procurement plan
18 shall be posted and made publicly available on the
19 Commission's website. The initial procurement plan may include
20 contracts for renewable resources that extend beyond May 2009.

21 (i) Within 14 days following filing of the initial
22 procurement plan, any person may file a detailed objection
23 with the Commission contesting the procurement plan
24 submitted by the electric utility. All objections to the
25 electric utility's plan shall be specific, supported by
26 data or other detailed analyses. The electric utility may

1 file a response to any objections to its procurement plan
2 within 7 days after the date objections are due to be
3 filed. Within 7 days after the date the utility's response
4 is due, the Commission shall determine whether a hearing
5 is necessary. If it determines that a hearing is
6 necessary, it shall require the hearing to be completed
7 and issue an order on the procurement plan within 60 days
8 after the filing of the procurement plan by the electric
9 utility.

10 (ii) The order shall approve or modify the procurement
11 plan, approve an independent procurement administrator,
12 and approve or modify the electric utility's tariffs that
13 are proposed with the initial procurement plan. The
14 Commission shall approve the procurement plan if the
15 Commission determines that it will ensure adequate,
16 reliable, affordable, efficient, and environmentally
17 sustainable electric service at the lowest total cost over
18 time, taking into account any benefits of price stability.

19 (k) (Blank).

20 (k-5) (Blank).

21 (l) An electric utility shall recover its costs incurred
22 under this Section and subsection (c-5) of Section 1-75 of the
23 Illinois Power Agency Act, including, but not limited to, the
24 costs of procuring power and energy demand-response resources
25 under this Section and its costs for purchasing renewable
26 energy credits pursuant to subsection (c-5) of Section 1-75 of

1 the Illinois Power Agency Act. The utility shall file with the
2 initial procurement plan its proposed tariffs through which
3 its costs of procuring power that are incurred pursuant to a
4 Commission-approved procurement plan and those other costs
5 identified in this subsection (1), will be recovered. The
6 tariffs shall include a formula rate or charge designed to
7 pass through both the costs incurred by the utility in
8 procuring a supply of electric power and energy for the
9 applicable customer classes with no mark-up or return on the
10 price paid by the utility for that supply, plus any just and
11 reasonable costs that the utility incurs in arranging and
12 providing for the supply of electric power and energy. The
13 formula rate or charge shall also contain provisions that
14 ensure that its application does not result in over or under
15 recovery due to changes in customer usage and demand patterns,
16 and that provide for the correction, on at least an annual
17 basis, of any accounting errors that may occur. A utility
18 shall recover through the tariff all reasonable costs incurred
19 to implement or comply with any procurement plan that is
20 developed and put into effect pursuant to Section 1-75 of the
21 Illinois Power Agency Act and this Section, and for the
22 procurement of renewable energy credits pursuant to subsection
23 (c-5) of Section 1-75 of the Illinois Power Agency Act,
24 including any fees assessed by the Illinois Power Agency,
25 costs associated with load balancing, and contingency plan
26 costs. The electric utility shall also recover its full costs

1 of procuring electric supply for which it contracted before
2 the effective date of this Section in conjunction with the
3 provision of full requirements service under fixed-price
4 bundled service tariffs subsequent to December 31, 2006. All
5 such costs shall be deemed to have been prudently incurred.
6 The pass-through tariffs that are filed and approved pursuant
7 to this Section shall not be subject to review under, or in any
8 way limited by, Section 16-111(i) of this Act. All of the costs
9 incurred by the electric utility associated with the purchase
10 of zero emission credits in accordance with subsection (d-5)
11 of Section 1-75 of the Illinois Power Agency Act, all costs
12 incurred by the electric utility associated with the purchase
13 of carbon mitigation credits in accordance with subsection
14 (d-10) of Section 1-75 of the Illinois Power Agency Act, and,
15 beginning June 1, 2017, all of the costs incurred by the
16 electric utility associated with the purchase of renewable
17 energy resources in accordance with Sections 1-56 and 1-75 of
18 the Illinois Power Agency Act, and all of the costs incurred by
19 the electric utility in purchasing renewable energy credits in
20 accordance with subsection (c-5) of Section 1-75 of the
21 Illinois Power Agency Act, shall be recovered through the
22 electric utility's tariffed charges applicable to all of its
23 retail customers, as specified in subsection (k) or subsection
24 (i-5), as applicable, of Section 16-108 of this Act, and shall
25 not be recovered through the electric utility's tariffed
26 charges for electric power and energy supply to its eligible

1 retail customers.

2 (m) The Commission has the authority to adopt rules to
3 carry out the provisions of this Section. For the public
4 interest, safety, and welfare, the Commission also has
5 authority to adopt rules to carry out the provisions of this
6 Section on an emergency basis immediately following August 28,
7 2007 (the effective date of Public Act 95-481).

8 (n) Notwithstanding any other provision of this Act, any
9 affiliated electric utilities that submit a single procurement
10 plan covering their combined needs may procure for those
11 combined needs in conjunction with that plan, and may enter
12 jointly into power supply contracts, purchases, and other
13 procurement arrangements, and allocate capacity and energy and
14 cost responsibility therefor among themselves in proportion to
15 their requirements.

16 (o) On or before June 1 of each year, the Commission shall
17 hold an informal hearing for the purpose of receiving comments
18 on the prior year's procurement process and any
19 recommendations for change.

20 (p) An electric utility subject to this Section may
21 propose to invest, lease, own, or operate an electric
22 generation facility as part of its procurement plan, provided
23 the utility demonstrates that such facility is the least-cost
24 option to provide electric service to those retail customers
25 included in the plan's electric supply service requirements.
26 If the facility is shown to be the least-cost option and is

1 included in a procurement plan prepared in accordance with
2 Section 1-75 of the Illinois Power Agency Act and this
3 Section, then the electric utility shall make a filing
4 pursuant to Section 8-406 of this Act, and may request of the
5 Commission any statutory relief required thereunder. If the
6 Commission grants all of the necessary approvals for the
7 proposed facility, such supply shall thereafter be considered
8 as a pre-existing contract under subsection (b) of this
9 Section. The Commission shall in any order approving a
10 proposal under this subsection specify how the utility will
11 recover the prudently incurred costs of investing in, leasing,
12 owning, or operating such generation facility through just and
13 reasonable rates charged to those retail customers included in
14 the plan's electric supply service requirements. Cost recovery
15 for facilities included in the utility's procurement plan
16 pursuant to this subsection shall not be subject to review
17 under or in any way limited by the provisions of Section
18 16-111(i) of this Act. Nothing in this Section is intended to
19 prohibit a utility from filing for a fuel adjustment clause as
20 is otherwise permitted under Section 9-220 of this Act.

21 (q) If the Illinois Power Agency filed with the
22 Commission, under Section 16-111.5 of this Act, its proposed
23 procurement plan for the period commencing June 1, 2017, and
24 the Commission has not yet entered its final order approving
25 the plan on or before the effective date of this amendatory Act
26 of the 99th General Assembly, then the Illinois Power Agency

1 shall file a notice of withdrawal with the Commission, after
2 the effective date of this amendatory Act of the 99th General
3 Assembly, to withdraw the proposed procurement of renewable
4 energy resources to be approved under the plan, other than the
5 procurement of renewable energy credits from distributed
6 renewable energy generation devices using funds previously
7 collected from electric utilities' retail customers that take
8 service pursuant to electric utilities' hourly pricing tariff
9 or tariffs and, for an electric utility that serves less than
10 100,000 retail customers in the State, other than the
11 procurement of renewable energy credits from distributed
12 renewable energy generation devices. Upon receipt of the
13 notice, the Commission shall enter an order that approves the
14 withdrawal of the proposed procurement of renewable energy
15 resources from the plan. The initially proposed procurement of
16 renewable energy resources shall not be approved or be the
17 subject of any further hearing, investigation, proceeding, or
18 order of any kind.

19 This amendatory Act of the 99th General Assembly preempts
20 and supersedes any order entered by the Commission that
21 approved the Illinois Power Agency's procurement plan for the
22 period commencing June 1, 2017, to the extent it is
23 inconsistent with the provisions of this amendatory Act of the
24 99th General Assembly. To the extent any previously entered
25 order approved the procurement of renewable energy resources,
26 the portion of that order approving the procurement shall be

1 void, other than the procurement of renewable energy credits
2 from distributed renewable energy generation devices using
3 funds previously collected from electric utilities' retail
4 customers that take service under electric utilities' hourly
5 pricing tariff or tariffs and, for an electric utility that
6 serves less than 100,000 retail customers in the State, other
7 than the procurement of renewable energy credits for
8 distributed renewable energy generation devices.

9 (Source: P.A. 99-906, eff. 6-1-17.)

10 (220 ILCS 5/16-111.10 new)

11 Sec. 16-111.10. Equitable Energy Upgrade Program.

12 (a) The General Assembly finds and declares that Illinois
13 homes and businesses can contribute to the creation of a clean
14 energy economy, conservation of natural resources, and
15 reliability of the electricity grid through the installation
16 of cost-effective renewable energy generation, energy
17 efficiency and demand response equipment, and energy storage
18 systems. Further, a large portion of Illinois residents and
19 businesses that would benefit from the installation of energy
20 efficiency, storage, and renewable energy generation systems
21 are unable to purchase systems due to capital or credit
22 barriers. This State should pursue options to enable many more
23 Illinoisans to access the health, environmental, and financial
24 benefits of new clean energy technology.

25 (b) As used in this Section:

1 "Commission" means the Illinois Commerce Commission.

2 "Energy project" means renewable energy generation
3 systems, including solar projects, energy efficiency upgrades,
4 energy storage systems, demand response equipment, or any
5 combination thereof.

6 "Fund" means the Clean Energy Jobs and Justice Fund
7 established in the Clean Energy Jobs and Justice Fund Act.

8 "Program" means the Equitable Energy Upgrade Program
9 established under subsection (c).

10 "Utility" means electric public utilities providing
11 services to 500,000 or more customers under this Act.

12 (c) The Commission shall open an investigation into and
13 direct all electric public utilities in this State to adopt an
14 Equitable Energy Upgrade Program that permits customers to
15 finance the construction of energy projects through an
16 optional tariff payable directly through their utility bill,
17 modeled after the Pay As You Save system, developed by the
18 Energy Efficiency Institute. The Program model shall enable
19 utilities to offer to make investments in energy projects to
20 customer properties with low-cost capital and use an opt-in
21 tariff to recover the costs. The Program shall be designed to
22 provide customers with immediate financial savings if they
23 choose to participate. The Program shall allow residential
24 electric utility customers that own the property, or renters
25 that have permission of the property owner, for which they
26 subscribe to utility service to agree to the installation of

1 an energy project. The Program shall ensure:

2 (1) eligible projects do not require upfront payments;
3 however, customers may pay down the costs for projects
4 with a payment to the installing contractor in order to
5 qualify projects that would otherwise require upfront
6 payments;

7 (2) eligible projects have sufficient estimated
8 savings and estimated life span to produce significant,
9 immediate net savings;

10 (3) participants shall agree the utility can recover
11 its costs for the projects at their location by paying for
12 the project through an optional tariff directly through
13 the participant's electricity bill, allowing participants
14 to benefit from installation of energy projects without
15 traditional loans;

16 (4) accessibility by lower-income residents and
17 environmental justice community residents; and

18 (5) the utility must ensure that customers who are
19 interested in participating are notified that if they are
20 income qualified, they may also be eligible for the
21 Percentage of Income Payment Plan program and free energy
22 improvements through other programs and provide contact
23 information.

24 (d) The Commission shall establish Program guidelines with
25 the anticipated schedule of Program availability as follows:

26 (1) Year 1: Beginning in the first year of operation,

1 each utility with greater than 100,000 retail customers is
2 required to obtain low-cost capital of at least
3 \$20,000,000 annually for investments in energy projects.

4 (2) Year 2: Beginning in the second year of operation,
5 each utility with greater than 100,000 retail customers is
6 required to obtain low-cost capital for investments in
7 energy projects of at least \$40,000,000 annually.

8 (3) Year 3: Beginning in the third year of operation,
9 each utility with greater than 100,000 retail customers is
10 required to obtain low-cost capital for investments in as
11 many systems as customers demand, subject to available
12 capital provided by the utility, State, or other lenders.

13 (e) In the design of the Program, the Commission shall:

14 (1) Within 270 days after the effective date of this
15 amendatory Act of the 102nd General Assembly, convene a
16 workshop during which interested participants may discuss
17 issues and submit comments related to the Program.

18 (2) Establish Program guidelines for implementation of
19 the Program in accordance with the Pay As You Save
20 Essential Elements and Minimum Program Requirements that
21 electric utilities must abide by when implementing the
22 Program. Program guidelines established by the Commission
23 shall include the following elements:

24 (A) The Commission shall establish conditions
25 under which utilities secure capital to fund the
26 energy projects. The Commission may allow utilities to

1 raise capital independently, work with third-party
2 lenders to secure the capital for participants, or a
3 combination thereof. Any process the Commission
4 approves must use a market mechanism to identify the
5 least costly sources of capital funds so as to pass on
6 maximum savings to participants. The State or the
7 Clean Energy Jobs and Justice Fund may also provide
8 capital for the Program.

9 (B) Customer protection guidelines should be
10 designed consistent with Pay As You Save Essential
11 Elements and Minimum Program Requirements.

12 (C) The Commission shall establish conditions by
13 which utilities may connect Program participants to
14 energy project vendors. In setting conditions for
15 connection, the Commission may prioritize vendors that
16 have a history of good relations with the State,
17 including vendors that have hired participants from
18 State-created job training programs.

19 (D) Guarantee that conservative estimates of
20 financial savings will immediately and significantly
21 exceed Program costs for Program participants.

22 (f) Within 120 days after the Commission releases the
23 Program conditions established under this Section, each
24 utility subject to the requirements of this Section shall
25 submit an informational filing to the Commission that
26 describes its plan for implementing the provisions of this

1 Section. If the Commission finds that the submission does not
2 properly comply with the statutory or regulatory requirements
3 of the Program, the Commission may require that the utility
4 make modifications to its filing.

5 (g) An independent process evaluation shall be conducted
6 after one year of the Program's operation. An independent
7 impact evaluation shall be conducted after 3 years of
8 operation, excluding one-time startup costs and results from
9 the first 12 months of the Program. The Commission shall
10 convene an advisory council of stakeholders, including
11 representation of low-income and environmental justice
12 community members to make recommendations in response to the
13 findings of the independent evaluation.

14 (h) The Program shall be designed using the Pay As You Save
15 system guidelines to be cost-effective for customers. Only
16 projects that are deemed to be cost-effective and can be
17 reasonably expected to ensure customer savings are eligible
18 for funding through the Program, unless, as specified in
19 paragraph (1) of subsection (c), customers able to make
20 upfront copayments to installers buy down the cost of projects
21 so it can be deemed cost-effective.

22 (i) Eligible customers must be:

23 (1) property renters with permission of the property
24 owner; or

25 (2) property owners.

26 (j) The calculation of project cost-effectiveness shall be

1 based upon the Pay As You Save system requirements.

2 (1) The calculation of cost-effectiveness must be
3 conducted by an objective process approved by the
4 Commission and based on rates in effect at the time of
5 installation.

6 (2) A project shall be considered cost-effective only
7 if it is estimated to produce significant immediate net
8 savings, not counting copayments voluntarily made by
9 customers. The Commission may establish guidelines by
10 which this required savings is estimated.

11 (k) The Program should be modeled after the Pay As You Save
12 system, by which Program participants finance energy projects
13 using the savings that the energy project creates with a
14 tariffed on-bill program. Eligible projects shall not create
15 personal debt for the customer, result in a lien in the event
16 of nonpayment, or require customers to pay monthly charges for
17 any upgrade that fails and is not repaired within 21 days. The
18 utility may restart charges once the upgrade is repaired and
19 functioning and extend the term of payments to recover its
20 costs for missed payments and deferred cost recovery,
21 providing the upgrade continues to function.

22 (l) Any energy project that is defective or damaged due to
23 no fault of the participant must be either replaced or
24 repaired with parts that meet industry standards at the cost
25 of the utility or vendor, as specified by the Commission, and
26 charges shall be suspended until repairs or replacement is

1 completed. The Commission may establish, increase, or replace
2 the requirements imposed in this subsection. The Commission
3 may determine that this responsibility is best handled by
4 participating project vendors in the form of insurance,
5 contractual guarantees, or other mechanisms, and issue rules
6 detailing this requirement. Customers shall not be charged
7 monthly payments for upgrades that are no longer functioning.

8 (m) In the event of nonpayment, the remaining balance due
9 to pay off the system shall remain with the utility meter at an
10 upgraded location. The Commission shall establish conditions
11 subject to this constraint in the event of nonpayment that are
12 in accordance with the Pay As You Save system.

13 (n) If the demand by utility customers exceeds the Program
14 capital supply in a given year, utilities shall ensure that
15 50% of participants are:

16 (1) customers in neighborhoods where a majority of
17 households make 150% or less of area median income; or

18 (2) residents of environmental justice communities.

19 (o) Utilities shall endeavor to inform customers about the
20 availability of the Program, their potential eligibility for
21 participation in the Program, and whether they are likely to
22 save money on the basis of an estimate conducted using
23 variables consistent with the Program that the utility has at
24 its disposal. The Commission may establish guidelines by which
25 utilities must abide by this directive and alternatives if the
26 Commission deems utilities' efforts as inadequate.

1 (p) Subject to Commission specifications under subsection
2 (c), each utility shall work with certified project vendors
3 selected using a request for proposals process to establish
4 the terms and processes under which a utility can install
5 eligible renewable energy generation and energy storage
6 systems using the capital to fit the Equitable Energy Upgrade
7 model. The certified project vendor shall explain and offer
8 the approved upgrades to customers and shall assist customers
9 in applying for financing through the Program. As part of the
10 process, vendors shall also provide participants with
11 information about any other relevant incentives that may be
12 available.

13 (q) An electric utility shall recover all of the prudently
14 incurred costs of offering a program approved by the
15 Commission under this Section. For investor-owned utilities,
16 shareholder incentives will be proportional to meeting
17 Commission approved thresholds for the number of customers
18 served and the amount of its investments in those locations.

19 (r) The Commission shall adopt all rules necessary for the
20 administration of this Section.

21 (220 ILCS 5/16-127)

22 Sec. 16-127. Environmental disclosure.

23 (a) Every ~~Effective January 1, 2013, every~~ electric
24 utility and alternative retail electric supplier shall provide
25 the following information, to the maximum extent practicable,

1 to its customers on a quarterly basis:

2 (i) the known sources of electricity supplied,
3 broken-out by percentages, of biomass power, coal-fired
4 power, hydro power, natural gas-fired power, nuclear
5 power, oil-fired power, solar power, wind power and other
6 resources, respectively;

7 (ii) a pie chart that graphically depicts the
8 percentages of the sources of the electricity supplied as
9 set forth in subparagraph (i) of this subsection;

10 (iii) a pie chart that graphically depicts the
11 quantity of renewable energy resources procured pursuant
12 to Section 1-75 of the Illinois Power Agency Act as a
13 percentage of electricity supplied to serve eligible
14 retail customers as defined in Section 16-111.5(a) of this
15 Act; and

16 (iv) ~~after May, 31, 2017,~~ a pie chart that graphically
17 depicts the quantity of zero emission credits from zero
18 emission facilities procured under Section 1-75 of the
19 Illinois Power Agency Act as a percentage of the actual
20 load of retail customers within its service area and, for
21 an electric utility serving over 3,000,000 customers, the
22 quantity of carbon mitigation credits from carbon-free
23 energy resources procured under Section 1-75 of the
24 Illinois Power Agency Act, which may be depicted in
25 combination with the zero emission credits procured.

26 (b) In addition, every electric utility and alternative

1 retail electric supplier shall provide, to the maximum extent
2 practicable, to its customers on a quarterly basis, a
3 standardized chart in a format to be determined by the
4 Commission in a rule following notice and hearings which
5 provides the amounts of carbon dioxide, nitrogen oxides and
6 sulfur dioxide emissions and nuclear waste attributable to the
7 known sources of electricity supplied as set forth in
8 subparagraph (i) of subsection (a) of this Section.

9 (c) The electric utilities and alternative retail electric
10 suppliers may provide their customers with such other
11 information as they believe relevant to the information
12 required in subsections (a) and (b) of this Section. All of the
13 information required in subsections (a) and (b) of this
14 Section shall be made available by the electric utilities or
15 alternative retail electric suppliers either in an electronic
16 medium, such as on a website or by electronic mail, or through
17 the U.S. Postal Service.

18 (d) For the purposes of subsection (a) of this Section,
19 "biomass" means dedicated crops grown for energy production
20 and organic wastes.

21 (e) All of the information provided in subsections (a) and
22 (b) of this Section shall be presented to the Commission for
23 inclusion in its World Wide Web Site.

24 (Source: P.A. 99-906, eff. 6-1-17.)

1 Sec. 16-135. Energy Storage Program.

2 (a) The Illinois General Assembly hereby finds and
3 declares that:

4 (1) Energy storage systems provide opportunities to:

5 (A) reduce costs to ratepayers directly or
6 indirectly by avoiding or deferring the need for
7 investment in new generation and for upgrades to
8 systems for the transmission and distribution of
9 electricity;

10 (B) reduce the use of fossil fuels for meeting
11 demand during peak load periods;

12 (C) provide ancillary services such as frequency
13 response, load following, and voltage support;

14 (D) assist electric utilities with integrating
15 sources of renewable energy into the grid for the
16 transmission and distribution of electricity, and with
17 maintaining grid stability;

18 (E) support diversification of energy resources;

19 (F) enhance the resilience and reliability of the
20 electric grid; and

21 (G) reduce greenhouse gas emissions and other air
22 pollutants resulting from power generation, thereby
23 minimizing public health impacts that result from
24 power generation.

25 (2) There are significant barriers to obtaining the
26 benefits of energy storage systems, including inadequate

1 valuation of the services that energy storage can provide
2 to the grid and the public.

3 (3) It is in the public interest to:

4 (A) develop a robust competitive market for
5 existing and new providers of energy storage systems
6 in order to leverage Illinois' position as a leader in
7 advanced energy and to capture the potential for
8 economic development;

9 (B) implement targets and programs to achieve
10 deployment of energy storage systems; and

11 (C) modernize distributed energy resource programs
12 and interconnection standards to lower costs and
13 efficiently deploy energy storage systems in order to
14 increase economic development and job creation within
15 the state's clean energy economy.

16 (b) In this Section:

17 "Energy storage peak standard" means a percentage of
18 annual retail electricity sales during peak hours that an
19 electric utility must derive from electricity discharged from
20 eligible energy storage systems.

21 "Deployment" means the installation of energy storage
22 systems through a variety of mechanisms, including utility
23 procurement, customer installation, or other processes.

24 "Electric utility" has the same meaning as provided in
25 Section 16-102 of this Act.

26 "Energy storage system" means a technology that is capable

1 of absorbing zero-carbon energy, storing it for a period of
2 time, and redelivering that energy after it has been stored in
3 order to provide direct or indirect benefits to the broader
4 electricity system. The term includes, but is not limited to,
5 electrochemical, thermal, and electromechanical technologies.

6 "Nonwires alternatives solicitation" means a utility
7 solicitation for third-party-owned or utility-owned
8 distributed energy resources that uses nontraditional
9 solutions to defer or replace planned investment on the
10 distribution or transmission system.

11 "Total peak demand" means the highest hourly electricity
12 demand for an electric utility in a given year, measured in
13 megawatts, from all of the electric utility's customers of
14 distribution service.

15 (c) The Commission, in consultation with the Illinois
16 Power Agency, shall initiate a proceeding to examine specific
17 programs, mechanisms, and policies that could support the
18 deployment of energy storage systems. The Illinois Commerce
19 Commission shall engage a broad group of Illinois
20 stakeholders, including electric utilities, the energy storage
21 industry, the renewable energy industry, and others to inform
22 the proceeding. The proceeding must, at minimum:

23 (1) develop a framework to identify and measure the
24 potential costs, benefits, that deployment of energy
25 storage could produce, as well as barriers to realizing
26 such benefits, including, but not limited to:

1 (A) avoided cost and deferred investments in
2 generation, transmission, and distribution facilities;

3 (B) reduced ancillary services costs;

4 (C) reduced transmission and distribution
5 congestion;

6 (D) lower peak power costs and reduced capacity
7 costs;

8 (E) reduced costs for emergency power supplies
9 during outages;

10 (F) reduced curtailment of renewable energy
11 generators;

12 (G) reduced greenhouse gas emissions and other
13 criteria air pollutants;

14 (H) increased grid hosting capacity of renewable
15 energy generators that produce energy on an
16 intermittent basis;

17 (I) increased reliability and resilience of the
18 electric grid;

19 (J) reduced line losses;

20 (K) increased resource diversification;

21 (L) increased economic development;

22 (2) analyze and estimate:

23 (A) the impact on the system's ability to
24 integrate renewable resources;

25 (B) the benefits of addition of storage at
26 specific locations, such as at existing peaking units

1 or locations on the grid close to large load centers;

2 (C) the impact on grid reliability and power
3 quality; and

4 (D) the effect on retail electric rates and supply
5 rates over the useful life of a given energy storage
6 system; and

7 (3) Evaluate and identify cost-effective policies and
8 programs to support the deployment of energy storage
9 systems, including, but not limited to:

10 (A) incentive programs;

11 (B) energy storage peak standards;

12 (C) nonwires alternative solicitation;

13 (D) peak demand reduction programs for
14 behind-the-meter storage for all customer classes;

15 (E) value of distributed energy resources
16 programs;

17 (F) tax incentives;

18 (G) time-varying rates;

19 (H) updating of interconnection processes and
20 metering standards; and

21 (I) procurement by the Illinois Power Agency of
22 energy storage resources.

23 (d) The Commission shall, no later than May 31, 2022,
24 submit to the General Assembly and the Governor any
25 recommendations for additional legislative, regulatory, or
26 executive actions based on the findings of the proceeding.

1 (e) At the conclusion of the proceeding required under
2 subsection (c), the Commission shall consider and recommend to
3 the Governor and General Assembly energy storage deployment
4 targets, if any, for each electric utility that serves more
5 than 200,000 customers to be achieved by December 31, 2032,
6 including recommended interim targets.

7 (f) In setting recommendations for energy storage
8 deployment targets, the Commission shall:

9 (1) take into account the costs and benefits of
10 procuring energy storage according to the framework
11 developed in the proceeding under subsection (c);

12 (2) consider establishing specific subcategories of
13 deployment of systems by point of interconnection or
14 application.

15 (220 ILCS 5/17-900 new)

16 Sec. 17-900. Customer self-generation of electricity.

17 (a) The General Assembly finds and declares that municipal
18 systems and electric cooperatives shall continue to be
19 governed by their respective governing bodies, but that such
20 governing bodies should recognize and implement policies to
21 provide the opportunity for their residential and small
22 commercial customers who wish to self-generate electricity and
23 for reasonable credits to customers for excess electricity,
24 balanced against the rights of the other non-self-generating
25 customers. This includes creating consistent, fair policies

1 that are accessible to all customers and transparent, fair
2 processes for raising and addressing any concerns.

3 (b) Customers have the right to install renewable
4 generating facilities to be located on the customer's premises
5 or customer's side of the billing meter and that are intended
6 primarily to offset the customer's own electrical requirements
7 and produce, consume, and store their own renewable energy
8 without discriminatory repercussions from an electric
9 cooperative or municipal system. This includes a customer's
10 rights to:

11 (1) generate, consume, and deliver excess renewable
12 energy to the distribution grid and reduce his or her use
13 of electricity obtained from the grid;

14 (2) use technology to store energy at his or her
15 residence;

16 (3) interconnect his or her electrical system that
17 generates renewable energy, stores energy, or any
18 combination thereof, with the electricity meter on the
19 customer's premises that is provided by an electric
20 cooperative or municipal system:

21 (A) in a timely manner;

22 (B) in accordance with requirements established by
23 the electric cooperative or municipal utility to
24 ensure the safety of utility workers; and

25 (C) after providing written notice to the electric
26 cooperative or municipal utility system providing

1 service in the service territory, installing a
2 nomenclature plate on the electrical meter panel and
3 meeting all applicable State and local safety and
4 electrical code requirements associated with
5 installing a parallel distributed generation system;
6 and

7 (4) receive fair credit for excess energy delivered to
8 the distribution grid.

9 (c) The policies of municipal systems and electric
10 cooperatives regarding self-generation and credits for excess
11 electricity may reasonably differ from those required of other
12 entities by Article XVI of the Public Utilities Act or other
13 Acts. The credits must recognize the value of self-generation
14 to the distribution grid and benefits to other customers.

15 (d) Within 180 days after this amendatory Act of the 102nd
16 General Assembly, each electric cooperative and municipal
17 system shall update its policies for the interconnection and
18 fair crediting of customer self-generation and storage if
19 necessary, to comply with the standards of subsection (b) of
20 this Section. Each electric cooperative and municipal system
21 shall post its updated policies to a public-facing area of its
22 website.

23 (e) An electric cooperative or municipal system customer
24 who produces, consumes, and stores his or her own renewable
25 energy shall not face discriminatory rate design, fees or
26 charges, treatment, or excessive compliance requirements that

1 would unreasonably affect that customer's right to
2 self-generate electricity as provided for in this Section.

3 (f) An electric cooperative or municipal utility system
4 customer shall have a right to appeal any decision related to
5 self-generation and storage that violates these rights to
6 self-generation and non-discrimination pursuant to the
7 provisions of this Section through a complaint under the
8 Administrative Review Law or similar legal process.

9 Section 90-52. If and only if Senate Bill 2017 of the 102nd
10 General Assembly becomes law in the form in which it passed
11 both houses on June 1, 2021, then the Energy Assistance Act is
12 amended by changing Sections 13 and 18 as follows:

13 (305 ILCS 20/13)

14 (Section scheduled to be repealed on January 1, 2025)

15 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

16 (a) The Supplemental Low-Income Energy Assistance Fund is
17 hereby created as a special fund in the State Treasury.
18 ~~Notwithstanding any other law to the contrary, the~~
19 ~~Supplemental Low-Income Energy Assistance Fund is not subject~~
20 ~~to sweeps, administrative charge backs, or any other fiscal or~~
21 ~~budgetary maneuver that would in any way transfer any amounts~~
22 ~~from the Supplemental Low-Income Energy Assistance Fund into~~
23 ~~any other fund of the State.~~ The Supplemental Low-Income
24 Energy Assistance Fund is authorized to receive moneys from

1 voluntary donations from individuals, foundations,
2 corporations, and other sources, moneys received pursuant to
3 Section 17, and, by statutory deposit, the moneys collected
4 pursuant to this Section. The Fund is also authorized to
5 receive voluntary donations from individuals, foundations,
6 corporations, and other sources. Subject to appropriation, the
7 Department shall use moneys from the Supplemental Low-Income
8 Energy Assistance Fund for payments to electric or gas public
9 utilities, municipal electric or gas utilities, and electric
10 cooperatives on behalf of their customers who are participants
11 in the program authorized by Sections 4 and 18 of this Act, for
12 the provision of weatherization services and for
13 administration of the Supplemental Low-Income Energy
14 Assistance Fund. All other deposits outside of the Energy
15 Assistance Charge as set forth in subsection (b) are not
16 subject to the percentage restrictions related to
17 administrative and weatherization expenses provided in this
18 subsection. The yearly expenditures for weatherization may not
19 exceed 10% of the amount collected during the year pursuant to
20 this Section, except when unspent funds from the Supplemental
21 Low-Income Energy Assistance Fund are reallocated from a
22 previous year; any unspent balance of the 10% weatherization
23 allowance may be utilized for weatherization expenses in the
24 year they are reallocated. The yearly administrative expenses
25 of the Supplemental Low-Income Energy Assistance Fund may not
26 exceed 13% of the amount collected during that year pursuant

1 to this Section, except when unspent funds from the
2 Supplemental Low-Income Energy Assistance Fund are reallocated
3 from a previous year; any unspent balance of the 13%
4 administrative allowance may be utilized for administrative
5 expenses in the year they are reallocated. Of the 13%
6 administrative allowance, no less than 8% shall be provided to
7 Local Administrative Agencies for administrative expenses.

8 (b) Notwithstanding the provisions of Section 16-111 of
9 the Public Utilities Act but subject to subsection (k) of this
10 Section, each public utility, electric cooperative, as defined
11 in Section 3.4 of the Electric Supplier Act, and municipal
12 utility, as referenced in Section 3-105 of the Public
13 Utilities Act, that is engaged in the delivery of electricity
14 or the distribution of natural gas within the State of
15 Illinois shall, effective January 1, 2022 ~~2021~~, assess each of
16 its customer accounts a monthly Energy Assistance Charge for
17 the Supplemental Low-Income Energy Assistance Fund. The
18 delivering public utility, municipal electric or gas utility,
19 or electric or gas cooperative for a self-assessing purchaser
20 remains subject to the collection of the fee imposed by this
21 Section. The monthly charge shall be as follows:

22 (1) Base Energy Assistance Charge per month on each
23 account for residential electrical service;

24 (2) Base Energy Assistance Charge per month on each
25 account for residential gas service;

26 (3) Ten times the Base Energy Assistance Charge per

1 month on each account for non-residential electric service
2 which had less than 10 megawatts of peak demand during the
3 previous calendar year;

4 (4) Ten times the Base Energy Assistance Charge per
5 month on each account for non-residential gas service
6 which had distributed to it less than 4,000,000 therms of
7 gas during the previous calendar year;

8 (5) Three hundred and seventy-five times the Base
9 Energy Assistance Charge per month on each account for
10 non-residential electric service which had 10 megawatts or
11 greater of peak demand during the previous calendar year;
12 and

13 (6) Three hundred and seventy-five times the Base
14 Energy Assistance Charge per month on each account for ~~For~~
15 non-residential gas service which had 4,000,000 or more
16 therms of gas distributed to it during the previous
17 calendar year.

18 The Base Energy Assistance Charge shall be \$0.48 per month
19 for the calendar year beginning January 1, 2022 and shall
20 increase by \$0.16 per month for any calendar year, provided no
21 less than 80% of the previous State fiscal year's available
22 Supplemental Low-Income Energy Assistance Fund funding was
23 exhausted. The maximum Base Energy Assistance Charge shall not
24 exceed \$0.96 per month for any calendar year.

25 The incremental change to such charges imposed by Public
26 Act 99-933 and this amendatory Act of the 102nd General

1 Assembly shall not (i) be used for any purpose other than to
2 directly assist customers and (ii) be applicable to utilities
3 serving less than 100,000 ~~25,000~~ customers in Illinois on
4 January 1, 2021. The incremental change to such charges
5 imposed by this amendatory Act of the 102nd General Assembly
6 are intended to increase utilization of the Percentage of
7 Income Payment Plan (PIPP or PIP Plan) and shall be applied
8 such that PIP Plan enrollment is at least doubled, as compared
9 to 2020 enrollment, by 2024.

10 In addition, electric and gas utilities have committed,
11 and shall contribute, a one-time payment of \$22 million to the
12 Fund, within 10 days after the effective date of the tariffs
13 established pursuant to Sections 16-111.8 and 19-145 of the
14 Public Utilities Act to be used for the Department's cost of
15 implementing the programs described in Section 18 of this
16 amendatory Act of the 96th General Assembly, the Arrearage
17 Reduction Program described in Section 18, and the programs
18 described in Section 8-105 of the Public Utilities Act. If a
19 utility elects not to file a rider within 90 days after the
20 effective date of this amendatory Act of the 96th General
21 Assembly, then the contribution from such utility shall be
22 made no later than February 1, 2010.

23 (c) For purposes of this Section:

24 (1) "residential electric service" means electric
25 utility service for household purposes delivered to a
26 dwelling of 2 or fewer units which is billed under a

1 residential rate, or electric utility service for
2 household purposes delivered to a dwelling unit or units
3 which is billed under a residential rate and is registered
4 by a separate meter for each dwelling unit;

5 (2) "residential gas service" means gas utility
6 service for household purposes distributed to a dwelling
7 of 2 or fewer units which is billed under a residential
8 rate, or gas utility service for household purposes
9 distributed to a dwelling unit or units which is billed
10 under a residential rate and is registered by a separate
11 meter for each dwelling unit;

12 (3) "non-residential electric service" means electric
13 utility service which is not residential electric service;
14 and

15 (4) "non-residential gas service" means gas utility
16 service which is not residential gas service.

17 (d) Within 30 days after the effective date of this
18 amendatory Act of the 96th General Assembly, each public
19 utility engaged in the delivery of electricity or the
20 distribution of natural gas shall file with the Illinois
21 Commerce Commission tariffs incorporating the Energy
22 Assistance Charge in other charges stated in such tariffs,
23 which shall become effective no later than the beginning of
24 the first billing cycle following such filing.

25 (e) The Energy Assistance Charge assessed by electric and
26 gas public utilities shall be considered a charge for public

1 utility service.

2 (f) By the 20th day of the month following the month in
3 which the charges imposed by the Section were collected, each
4 public utility, municipal utility, and electric cooperative
5 shall remit to the Department of Revenue all moneys received
6 as payment of the Energy Assistance Charge on a return
7 prescribed and furnished by the Department of Revenue showing
8 such information as the Department of Revenue may reasonably
9 require; provided, however, that a utility offering an
10 Arrearage Reduction Program or Supplemental Arrearage
11 Reduction Program pursuant to Section 18 of this Act shall be
12 entitled to net those amounts necessary to fund and recover
13 the costs of such Programs as authorized by that Section that
14 is no more than the incremental change in such Energy
15 Assistance Charge authorized by Public Act 96-33. If a
16 customer makes a partial payment, a public utility, municipal
17 utility, or electric cooperative may elect either: (i) to
18 apply such partial payments first to amounts owed to the
19 utility or cooperative for its services and then to payment
20 for the Energy Assistance Charge or (ii) to apply such partial
21 payments on a pro-rata basis between amounts owed to the
22 utility or cooperative for its services and to payment for the
23 Energy Assistance Charge.

24 If any payment provided for in this Section exceeds the
25 distributor's liabilities under this Act, as shown on an
26 original return, the Department may authorize the distributor

1 to credit such excess payment against liability subsequently
2 to be remitted to the Department under this Act, in accordance
3 with reasonable rules adopted by the Department. If the
4 Department subsequently determines that all or any part of the
5 credit taken was not actually due to the distributor, the
6 distributor's discount shall be reduced by an amount equal to
7 the difference between the discount as applied to the credit
8 taken and that actually due, and that distributor shall be
9 liable for penalties and interest on such difference.

10 (g) The Department of Revenue shall deposit into the
11 Supplemental Low-Income Energy Assistance Fund all moneys
12 remitted to it in accordance with subsection (f) of this
13 Section. The utilities shall coordinate with the Department to
14 establish an equitable and practical methodology for
15 implementing this subsection (g) beginning with the 2010
16 program year.

17 (h) On or before December 31, 2002, the Department shall
18 prepare a report for the General Assembly on the expenditure
19 of funds appropriated from the Low-Income Energy Assistance
20 Block Grant Fund for the program authorized under Section 4 of
21 this Act.

22 (i) The Department of Revenue may establish such rules as
23 it deems necessary to implement this Section.

24 (j) The Department of Commerce and Economic Opportunity
25 may establish such rules as it deems necessary to implement
26 this Section.

1 (k) The charges imposed by this Section shall only apply
2 to customers of municipal electric or gas utilities and
3 electric or gas cooperatives if the municipal electric or gas
4 utility or electric or gas cooperative makes an affirmative
5 decision to impose the charge. If a municipal electric or gas
6 utility or an electric cooperative makes an affirmative
7 decision to impose the charge provided by this Section, the
8 municipal electric or gas utility or electric cooperative
9 shall inform the Department of Revenue in writing of such
10 decision when it begins to impose the charge. If a municipal
11 electric or gas utility or electric or gas cooperative does
12 not assess this charge, the Department may not use funds from
13 the Supplemental Low-Income Energy Assistance Fund to provide
14 benefits to its customers under the program authorized by
15 Section 4 of this Act.

16 In its use of federal funds under this Act, the Department
17 may not cause a disproportionate share of those federal funds
18 to benefit customers of systems which do not assess the charge
19 provided by this Section.

20 This Section is repealed on January 1, 2025 unless renewed
21 by action of the General Assembly.

22 (Source: P.A. 99-457, eff. 1-1-16; 99-906, eff. 6-1-17;
23 99-933, eff. 1-27-17; 100-863, eff. 8-14-18; 100-1171, eff.
24 1-4-19; 10200SB2017enr.)

1 Sec. 18. Financial assistance; payment plans.

2 (a) The Percentage of Income Payment Plan (PIPP or PIP
3 Plan) is hereby created as a mandatory bill payment assistance
4 program for low-income residential customers of utilities
5 serving more than 100,000 retail customers as of January 1,
6 2021 ~~2009~~. The PIP Plan will:

7 (1) bring participants' gas and electric bills into
8 the range of affordability;

9 (2) provide incentives for participants to make timely
10 payments;

11 (3) encourage participants to reduce usage and
12 participate in conservation and energy efficiency measures
13 that reduce the customer's bill and payment requirements;
14 ~~and~~

15 (4) identify participants whose homes are most in need
16 of weatherization; and -

17 (5) endeavor to maximize participation and spend at
18 least 80% of the funding available for the year.

19 (b) For purposes of this Section:

20 (1) "LIHEAP" means the energy assistance program
21 established under the Illinois Energy Assistance Act and
22 the Low-Income Home Energy Assistance Act of 1981.

23 (2) "Plan participant" is an eligible participant who
24 is also eligible for the PIPP and who will receive either a
25 percentage of income payment credit under the PIPP
26 criteria set forth in this Act or a benefit pursuant to

1 Section 4 of this Act. Plan participants are a subset of
2 eligible participants.

3 (3) "Pre-program arrears" means the amount a plan
4 participant owes for gas or electric service at the time
5 the participant is determined to be eligible for the PIPP
6 or the program set forth in Section 4 of this Act.

7 (4) "Eligible participant" means any person who has
8 applied for, been accepted and is receiving residential
9 service from a gas or electric utility and who is also
10 eligible for LIHEAP or otherwise satisfies the eligibility
11 criteria set forth in paragraph (1) of subsection (c).

12 (c) The PIP Plan shall be administered as follows:

13 (1) The Department shall coordinate with Local
14 Administrative Agencies (LAAs), to determine eligibility
15 for the Illinois Low Income Home Energy Assistance Program
16 (LIHEAP) pursuant to the Energy Assistance Act, provided
17 that eligible income shall be no more than 150% of the
18 poverty level or 60% of the State median income, except
19 that for the period from the effective date of this
20 amendatory Act of the 101st General Assembly through June
21 30, 2021, eligible income shall be no more than 200% of the
22 poverty level. Applicants will be screened to determine
23 whether the applicant's projected payments for electric
24 service or natural gas service over a 12-month period
25 exceed the criteria established in this Section. The
26 Department, in consultation with the Policy Advisory

1 Council, may adjust the percentage of poverty level
2 annually to determine income eligibility. To maintain the
3 financial integrity of the program, the Department may
4 limit eligibility to households with income below 125% of
5 the poverty level.

6 (2) The Department shall establish the percentage of
7 income formula to determine the amount of a monthly credit
8 for participants with eligible income based on poverty
9 level. ~~, not to exceed \$150 per month per household, not to~~
10 ~~exceed \$1,800 annually; however, for the period from the~~
11 ~~effective date of this amendatory Act of the 101st General~~
12 ~~Assembly through June 30, 2021, the monthly credit for~~
13 ~~participants with eligible income over 100% of the poverty~~
14 ~~level may be as much as \$200 per month per household, not~~
15 ~~to exceed \$2,400 annually, and, the monthly credit for~~
16 ~~participants with eligible income 100% or less of the~~
17 ~~poverty level may be as much as \$250 per month per~~
18 ~~household, not to exceed \$3,000 annually.~~ Credits will be
19 applied to PIP Plan participants' utility bills based on
20 the portion of the bill that is the responsibility of the
21 participant provided that the percentage shall be no more
22 than a total of 6% of the relevant income for gas and
23 electric utility bills combined, but in any event no less
24 than \$10 per month, unless the household does not pay
25 directly for heat, in which case its payment shall be 2.4%
26 of income but in any event no less than \$5 per month. The

1 Department, in consultation with the Policy Advisory
2 Council, may adjust such monthly credit amounts annually
3 and may establish a minimum credit amount based on the
4 cost of administering the program and may deny credits to
5 otherwise eligible participants if the cost of
6 administering the credit exceeds the actual amount of any
7 monthly credit to a participant. If the participant takes
8 both gas and electric service, 50% ~~66.67%~~ of the credit
9 shall be allocated to the entity that provides the
10 participant's primary energy supply for heating. Each
11 participant shall enter into a levelized payment plan for,
12 as applicable, gas and electric service and such plans
13 shall be implemented by the utility so that a
14 participant's usage and required payments are reviewed and
15 adjusted regularly, but no more frequently than quarterly.
16 Nothing in this Section is intended to prohibit a
17 customer, who is otherwise eligible for LIHEAP, from
18 participating in the program described in Section 4 of
19 this Act. Eligible participants who receive such a benefit
20 shall be considered plan participants and shall be
21 eligible to participate in the Arrearage Reduction Program
22 described in item (5) of this subsection (c).

23 (3) The Department shall remit, through the LAAs, to
24 the utility or participating alternative supplier that
25 portion of the plan participant's bill that is not the
26 responsibility of the participant. In the event that the

1 Department fails to timely remit payment to the utility,
2 the utility shall be entitled to recover all costs related
3 to such nonpayment through the automatic adjustment clause
4 tariffs established pursuant to Section 16-111.8 and
5 Section 19-145 of the Public Utilities Act. For purposes
6 of this item (3) of this subsection (c), payment is due on
7 the date specified on the participant's bill. The
8 Department, the Department of Revenue and LAAs shall adopt
9 processes that provide for the timely payment required by
10 this item (3) of this subsection (c).

11 (4) A plan participant is responsible for all actual
12 charges for utility service in excess of the PIPP credit.
13 Pre-program arrears that are included in the Arrearage
14 Reduction Program described in item (5) of this subsection
15 (c) shall not be included in the calculation of the
16 levelized payment plan. Emergency or crisis assistance
17 payments shall not affect the amount of any PIPP credit to
18 which a participant is entitled.

19 (5) Electric and gas utilities subject to this Section
20 shall implement an Arrearage Reduction Program (ARP) for
21 plan participants as follows: for each month that a plan
22 participant timely pays his or her utility bill, the
23 utility shall apply a credit to a portion of the
24 participant's pre-program arrears, if any, equal to
25 one-twelfth of such arrearage provided that the total
26 amount of arrearage credits shall equal no more than

1 \$1,000 annually for each participant for gas and no more
2 than \$1,000 annually for each participant for electricity.
3 In the third year of the PIPP, the Department, in
4 consultation with the Policy Advisory Council established
5 pursuant to Section 5 of this Act, shall determine by rule
6 an appropriate per participant total cap on such amounts,
7 if any. Those plan participants participating in the ARP
8 shall not be subject to the imposition of any additional
9 late payment fees on pre-program arrears covered by the
10 ARP. In all other respects, the utility shall bill and
11 collect the monthly bill of a plan participant pursuant to
12 the same rules, regulations, programs and policies as
13 applicable to residential customers generally.
14 Participation in the Arrearage Reduction Program shall be
15 limited to the maximum amount of funds available as set
16 forth in subsection (f) of Section 13 of this Act. In the
17 event any donated funds under Section 13 of this Act are
18 specifically designated for the purpose of funding the
19 ARP, the Department shall remit such amounts to the
20 utilities upon verification that such funds are needed to
21 fund the ARP. Nothing in this Section shall preclude a
22 utility from continuing to implement, and apply credits
23 under, an ARP in the event that the PIPP or LIHEAP is
24 suspended due to lack of funding such that the plan
25 participant does not receive a benefit under either the
26 PIPP or LIHEAP.

1 (5.5) In addition to the ARP described in paragraph
2 (5) of this subsection (c), utilities may also implement a
3 Supplemental Arrearage Reduction Program (SARP) for
4 eligible participants who are not able to become plan
5 participants due to PIPP timing or funding constraints. If
6 a utility elects to implement a SARP, it shall be
7 administered as follows: for each month that a SARP
8 participant timely pays his or her utility bill, the
9 utility shall apply a credit to a portion of the
10 participant's pre-program arrears, if any, equal to
11 one-twelfth of such arrearage, provided that the utility
12 may limit the total amount of arrearage credits to no more
13 than \$1,000 annually for each participant for gas and no
14 more than \$1,000 annually for each participant for
15 electricity. SARP participants shall not be subject to the
16 imposition of any additional late payment fees on
17 pre-program arrears covered by the SARP. In all other
18 respects, the utility shall bill and collect the monthly
19 bill of a SARP participant under the same rules,
20 regulations, programs, and policies as applicable to
21 residential customers generally. Participation in the SARP
22 shall be limited to the maximum amount of funds available
23 as set forth in subsection (f) of Section 13 of this Act.
24 In the event any donated funds under Section 13 of this Act
25 are specifically designated for the purpose of funding the
26 SARP, the Department shall remit such amounts to the

1 utilities upon verification that such funds are needed to
2 fund the SARP.

3 (6) The Department may terminate a plan participant's
4 eligibility for the PIP Plan upon notification by the
5 utility that the participant's monthly utility payment is
6 more than 75 ~~45~~ days past due. One-twelfth of a customer's
7 arrears shall be deducted from the total arrears owed
8 for each on-time payment made by the customer.

9 (7) The Department, in consultation with the Policy
10 Advisory Council, may adjust the number of PIP Plan
11 participants annually, if necessary, to match the
12 availability of funds. Any plan participant who qualifies
13 for a PIPP credit under a utility's PIPP shall be entitled
14 to participate in and receive a credit under such
15 utility's ARP for so long as such utility has ARP funds
16 available, regardless of whether the customer's
17 participation under another utility's PIPP or ARP has been
18 curtailed or limited because of a lack of funds.

19 (8) The Department shall fully implement the PIPP at
20 the earliest possible date it is able to effectively
21 administer the PIPP. Within 90 days of the effective date
22 of this amendatory Act of the 96th General Assembly, the
23 Department shall, in consultation with utility companies,
24 participating alternative suppliers, LAAs and the Illinois
25 Commerce Commission (Commission), issue a detailed
26 implementation plan which shall include detailed testing

1 protocols and analysis of the capacity for implementation
2 by the LAAs and utilities. Such consultation process also
3 shall address how to implement the PIPP in the most
4 cost-effective and timely manner, and shall identify
5 opportunities for relying on the expertise of utilities,
6 LAAs and the Commission. Following the implementation of
7 the testing protocols, the Department shall issue a
8 written report on the feasibility of full or gradual
9 implementation. The PIPP shall be fully implemented by
10 September 1, 2011, but may be phased in prior to that date.

11 (9) As part of the screening process established under
12 item (1) of this subsection (c), the Department and LAAs
13 shall assess whether any energy efficiency or demand
14 response measures are available to the plan participant at
15 no cost, and if so, the participant shall enroll in any
16 such program for which he or she is eligible. The LAAs
17 shall assist the participant in the applicable enrollment
18 or application process.

19 (10) Each alternative retail electric and gas supplier
20 serving residential customers shall elect whether to
21 participate in the PIPP or ARP described in this Section.
22 Any such supplier electing to participate in the PIPP
23 shall provide to the Department such information as the
24 Department may require, including, without limitation,
25 information sufficient for the Department to determine the
26 proportionate allocation of credits between the

1 alternative supplier and the utility. If a utility in
2 whose service territory an alternative supplier serves
3 customers contributes money to the ARP fund which is not
4 recovered from ratepayers, then an alternative supplier
5 which participates in ARP in that utility's service
6 territory shall also contribute to the ARP fund in an
7 amount that is commensurate with the number of alternative
8 supplier customers who elect to participate in the
9 program.

10 (11) The PIPP shall be designed and implemented each
11 year to maximize participation and spend at least 80% of
12 the funding available for the year.

13 (d) The Department, in consultation with the Policy
14 Advisory Council, shall develop and implement a program to
15 educate customers about the PIP Plan and about their rights
16 and responsibilities under the percentage of income component.
17 The Department, in consultation with the Policy Advisory
18 Council, shall establish a process that LAAs shall use to
19 contact customers in jeopardy of losing eligibility due to
20 late payments. The Department shall ensure that LAAs are
21 adequately funded to perform all necessary educational tasks.

22 (e) The PIPP shall be administered in a manner which
23 ensures that credits to plan participants will not be counted
24 as income or as a resource in other means-tested assistance
25 programs for low-income households or otherwise result in the
26 loss of federal or State assistance dollars for low-income

1 households.

2 (f) In order to ensure that implementation costs are
3 minimized, the Department and utilities shall work together to
4 identify cost-effective ways to transfer information
5 electronically and to employ available protocols that will
6 minimize their respective administrative costs as follows:

7 (1) The Commission may require utilities to provide
8 such information on customer usage and billing and payment
9 information as required by the Department to implement the
10 PIP Plan and to provide written notices and communications
11 to plan participants.

12 (2) Each utility and participating alternative
13 supplier shall file annual reports with the Department and
14 the Commission that cumulatively summarize and update
15 program information as required by the Commission's rules.
16 The reports shall track implementation costs and contain
17 such information as is necessary to evaluate the success
18 of the PIPP.

19 (2.5) The Department shall annually prepare and submit
20 a report to the General Assembly, the Commission, and the
21 Policy Advisory Council that identifies the following
22 amounts for the most recently completed year: total monies
23 collected under subsection (b) of Section 13 of this Act
24 for all PIPPs implemented in the State; monies allocated
25 to each utility for implementation of its PIPP; and monies
26 allocated to each utility for other purposes, including a

1 description of each of those purposes. The Commission
2 shall publish the report on its website.

3 (3) The Department and the Commission shall have the
4 authority to promulgate rules and regulations necessary to
5 execute and administer the provisions of this Section.

6 (g) Each utility shall be entitled to recover reasonable
7 administrative and operational costs incurred to comply with
8 this Section from the Supplemental Low Income Energy
9 Assistance Fund. The utility may net such costs against monies
10 it would otherwise remit to the Funds, and each utility shall
11 include in the annual report required under subsection (f) of
12 this Section an accounting for the funds collected.

13 (Source: P.A. 101-636, eff. 6-10-20.)

14 Section 90-55. The Environmental Protection Act is amended
15 by adding Sections 3.131 and 9.18 and by changing Sections
16 9.15 and 22.59 as follows:

17 (415 ILCS 5/3.131 new)

18 Sec. 3.131. Clean energy. "Clean energy" means energy
19 generation that is substantially free (90% or greater) of
20 carbon dioxide emissions.

21 (415 ILCS 5/9.15)

22 Sec. 9.15. Greenhouse gases.

23 (a) An air pollution construction permit shall not be

1 required due to emissions of greenhouse gases if the
2 equipment, site, or source is not subject to regulation, as
3 defined by 40 CFR 52.21, as now or hereafter amended, for
4 greenhouse gases or is otherwise not addressed by the Board in
5 regulations for greenhouse gases. These exemptions do. ~~This~~
6 ~~exemption does~~ not relieve an owner or operator from the
7 obligation to comply with other applicable rules or
8 regulations.

9 (b) An air pollution operating permit shall not be
10 required due to emissions of greenhouse gases if the
11 equipment, site, or source is not subject to regulation, as
12 defined by Section 39.5 of this Act, for greenhouse gases or is
13 otherwise not addressed by the Board in regulations for
14 greenhouse gases. These exemptions do. ~~This exemption does~~ not
15 relieve an owner or operator from the obligation to comply
16 with other applicable rules or regulations.

17 (c) (Blank). ~~Notwithstanding any provision to the contrary~~
18 ~~in this Section, an air pollution construction or operating~~
19 ~~permit shall not be required due to emissions of greenhouse~~
20 ~~gases if any of the following events occur:~~

21 ~~(1) enactment of federal legislation depriving the~~
22 ~~Administrator of the USEPA of authority to regulate~~
23 ~~greenhouse gases under the Clean Air Act;~~

24 ~~(2) the issuance of any opinion, ruling, judgment,~~
25 ~~order, or decree by a federal court depriving the~~
26 ~~Administrator of the USEPA of authority to regulate~~

1 ~~greenhouse gases under the Clean Air Act; or~~

2 ~~(3) action by the President of the United States or~~
3 ~~the President's authorized agent, including the~~
4 ~~Administrator of the USEPA, to repeal or withdraw the~~
5 ~~Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3,~~
6 ~~2010).~~

7 ~~This subsection (c) does not relieve an owner or operator~~
8 ~~from the obligation to comply with applicable rules or~~
9 ~~regulations other than those relating to greenhouse gases.~~

10 (d) (Blank). ~~If any event listed in subsection (c) of this~~
11 ~~Section occurs, permits issued after such event shall not~~
12 ~~impose permit terms or conditions addressing greenhouse gases~~
13 ~~during the effectiveness of any event listed in subsection~~
14 ~~(c).~~

15 (e) (Blank). ~~If an event listed in subsection (c) of this~~
16 ~~Section occurs, any owner or operator with a permit that~~
17 ~~includes terms or conditions addressing greenhouse gases may~~
18 ~~elect to submit an application to the Agency to address a~~
19 ~~revision or repeal of such terms or conditions. The Agency~~
20 ~~shall expeditiously process such permit application in~~
21 ~~accordance with applicable laws and regulations.~~

22 (f) As used in this Section:

23 "Carbon dioxide emission" means the plant annual CO₂ total
24 output emission as measured by the United States Environmental
25 Protection Agency in its Emissions & Generation Resource
26 Integrated Database (eGrid).

1 "Carbon dioxide equivalent emissions" or "CO₂e" means the
2 sum total of the mass amount of emissions in tons per year,
3 calculated by multiplying the mass amount of each of the 6
4 greenhouse gases specified in Section 3.207, in tons per year,
5 by its associated global warming potential as set forth in 40
6 CFR 98, subpart A, table A-1 or its successor, and then adding
7 them all together.

8 "Cogeneration" or "combined heat and power" refers to any
9 system that, either simultaneously or sequentially, produces
10 electricity and useful thermal energy from a single fuel
11 source.

12 "Copollutants" refers to the 6 criteria pollutants that
13 have been identified by the United States Environmental
14 Protection Agency pursuant to the Clean Air Act.

15 "Electric generating unit" or "EGU" means a fossil
16 fuel-fired stationary boiler, combustion turbine, or combined
17 cycle system that serves as a generator that has a nameplate
18 capacity greater than 25 MWe and produces electricity for
19 sale.

20 "Environmental justice community" means the definition of
21 that term based on existing methodologies and findings, used
22 and as may be updated by the Illinois Power Agency and its
23 program administrator in the Illinois Solar for All Program.

24 "Equity investment eligible community" or "eligible
25 community" means the geographic areas throughout Illinois that
26 would most benefit from equitable investments by the State

1 designed to combat discrimination and foster sustainable
2 economic growth. Specifically, eligible community means the
3 following areas:

4 (1) areas where residents have been historically
5 excluded from economic opportunities, including
6 opportunities in the energy sector, as defined as R3 areas
7 pursuant to Section 10-40 of the Cannabis Regulation and
8 Tax Act; and

9 (2) areas where residents have been historically
10 subject to disproportionate burdens of pollution,
11 including pollution from the energy sector, as established
12 by environmental justice communities as defined by the
13 Illinois Power Agency pursuant to the Illinois Power
14 Agency Act, excluding any racial or ethnic indicators.

15 "Equity investment eligible person" or "eligible person"
16 means the persons who would most benefit from equitable
17 investments by the State designed to combat discrimination and
18 foster sustainable economic growth. Specifically, eligible
19 person means the following people:

20 (1) persons whose primary residence is in an equity
21 investment eligible community;

22 (2) persons whose primary residence is in a
23 municipality, or a county with a population under 100,000,
24 where the closure of an electric generating unit or mine
25 has been publicly announced or the electric generating
26 unit or mine is in the process of closing or closed within

1 the last 5 years;

2 (3) persons who are graduates of or currently enrolled
3 in the foster care system; or

4 (4) persons who were formerly incarcerated.

5 "Existing emissions" means:

6 (1) for CO₂e, the total average tons-per-year of CO₂e
7 emitted by the EGU or large GHG-emitting unit either in
8 the years 2018 through 2020 or, if the unit was not yet in
9 operation by January 1, 2018, in the first 3 full years of
10 that unit's operation; and

11 (2) for any copollutant, the total average
12 tons-per-year of that copollutant emitted by the EGU or
13 large GHG-emitting unit either in the years 2018 through
14 2020 or, if the unit was not yet in operation by January 1,
15 2018, in the first 3 full years of that unit's operation.

16 "Green hydrogen" means a power plant technology in which
17 an EGU creates electric power exclusively from electrolytic
18 hydrogen, in a manner that produces zero carbon and
19 copollutant emissions, using hydrogen fuel that is
20 electrolyzed using a 100% renewable zero carbon emission
21 energy source.

22 "Large greenhouse gas-emitting unit" or "large
23 GHG-emitting unit" means a unit that is an electric generating
24 unit or other fossil fuel-fired unit that itself has a
25 nameplate capacity or serves a generator that has a nameplate
26 capacity greater than 25 MWe and that produces electricity,

1 including, but not limited to, coal-fired, coal-derived,
2 oil-fired, natural gas-fired, and cogeneration units.

3 "NO_x emission rate" means the "plant annual NO_x total
4 output emission rate" as measured by the United States
5 Environmental Protection Agency in its Emissions & Generation
6 Resource Integrated Database (eGrid), in the most recent year
7 for which data is available.

8 "Public greenhouse gas-emitting units" or "public
9 GHG-emitting unit" means large greenhouse gas-emitting units,
10 including EGUs, that are wholly owned, directly or indirectly,
11 by one or more municipalities, municipal corporations, joint
12 municipal electric power agencies, electric cooperatives, or
13 other governmental or nonprofit entities, whether organized
14 and created under the laws of Illinois or another state.

15 "SO₂ emission rate" means the "plant annual SO₂ total
16 output emission rate" as measured by the United States
17 Environmental Protection Agency in its Emissions & Generation
18 Resource Integrated Database (eGrid), in the most recent year
19 for which data is available.

20 (g) All EGUs and large greenhouse gas-emitting units that
21 use coal or oil as a fuel and are not public GHG-emitting units
22 shall permanently reduce all CO₂e and copollutant emissions to
23 zero no later than January 1, 2030.

24 (h) All EGUs and large greenhouse gas-emitting units that
25 use coal as a fuel and are public GHG-emitting units shall
26 permanently reduce carbon dioxide and copollutant emissions to

1 zero no later than December 31, 2045.

2 (i) All EGUs and large greenhouse gas-emitting units that
3 use gas as a fuel and are not public GHG-emitting units shall
4 permanently reduce all CO₂e and copollutant emissions to zero,
5 including through unit retirement or the use of 100% green
6 hydrogen or other similar technology that is commercially
7 proven to achieve zero carbon emissions, according to the
8 following:

9 (1) No later than January 1, 2030: all EGUs and large
10 greenhouse gas-emitting units that have a NO_x emissions
11 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
12 greater than 0.006 lb/MWh, and are located in or within 3
13 miles of an environmental justice community or an equity
14 investment eligible community.

15 (2) No later than January 1, 2040: all EGUs and large
16 greenhouse gas-emitting units that have a NO_x emission
17 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
18 greater than 0.006 lb/MWh, and are not located in or
19 within 3 miles of an environmental justice community or an
20 equity investment eligible community. After January 1,
21 2035, each such EGU and large greenhouse gas-emitting unit
22 shall reduce its CO₂e emissions by at least 50% from its
23 existing emissions for CO₂e, and shall be limited in
24 operation to, on average, 6 hours or less per day,
25 measured over a calendar year, and shall not run for more
26 than 24 consecutive hours except in emergency conditions,

1 as designated by a Regional Transmission Organization or
2 Independent System Operator.

3 (3) No later than January 1, 2035: all EGUs and large
4 greenhouse gas-emitting units that began operation prior
5 to the effective date of this amendatory Act of the 102nd
6 General Assembly and have a NO_x emission rate of less than
7 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
8 or equal to 0.006 lb/MWh, and are located in or within 3
9 miles of an environmental justice community or an equity
10 investment eligible community. Each such EGU and large
11 greenhouse gas-emitting unit shall reduce its CO₂e
12 emissions by at least 50% from its existing emissions for
13 CO₂e no later than January 1, 2030.

14 (4) No later than January 1, 2040: All remaining EGUs
15 and large greenhouse gas-emitting units that have a heat
16 rate greater than or equal to 7000 BTU/kWh. Each such EGU
17 and Large greenhouse gas-emitting unit shall reduce its
18 CO₂e emissions by at least 50% from its existing emissions
19 for CO₂e no later than January 1, 2035.

20 (5) No later than January 1, 2045: all remaining EGUs
21 and large greenhouse gas-emitting units.

22 (j) All EGUs and large greenhouse gas-emitting units that
23 use gas as a fuel and are public GHG-emitting units shall
24 permanently reduce all CO₂e and copollutant emissions to zero,
25 including through unit retirement or the use of 100% green
26 hydrogen or other similar technology that is commercially

1 proven to achieve zero carbon emissions by January 1, 2045.

2 (k) All EGUs and large greenhouse gas-emitting units that
3 utilize combined heat and power or cogeneration technology
4 shall permanently reduce all CO₂e and copollutant emissions to
5 zero, including through unit retirement or the use of 100%
6 green hydrogen or other similar technology that is
7 commercially proven to achieve zero carbon emissions by
8 January 1, 2045.

9 (k-5) No EGU or large greenhouse gas-emitting unit that
10 uses gas as a fuel and is not a public GHG-emitting unit may
11 emit, in any 12-month period, CO₂e or copollutants in excess of
12 that unit's existing emissions for those pollutants.

13 (l) Notwithstanding subsections (g) through (k-5), large
14 GHG-emitting units including EGUs may temporarily continue
15 emitting greenhouse gases after any applicable deadline
16 specified in any of subsections (g) through (k-5) if it has
17 been determined, as described in paragraphs (1) and (2) of
18 this subsection, that ongoing operation of the EGU is
19 necessary to maintain power grid supply and reliability or
20 ongoing operation of large GHG-emitting unit that is not an
21 EGU is necessary to serve as an emergency backup to
22 operations. Up to and including the occurrence of an emission
23 reduction deadline under subsection (i), all EGUs and large
24 GHG-emitting units must comply with the following terms:

25 (1) if an EGU or large GHG-emitting unit that is a
26 participant in a regional transmission organization

1 intends to retire, it must submit documentation to the
2 appropriate regional transmission organization by the
3 appropriate deadline that meets all applicable regulatory
4 requirements necessary to obtain approval to permanently
5 cease operating the large GHG-emitting unit;

6 (2) if any EGU or large GHG-emitting unit that is a
7 participant in a regional transmission organization
8 receives notice that the regional transmission
9 organization has determined that continued operation of
10 the unit is required, the unit may continue operating
11 until the issue identified by the regional transmission
12 organization is resolved. The owner or operator of the
13 unit must cooperate with the regional transmission
14 organization in resolving the issue and must reduce its
15 emissions to zero, consistent with the requirements under
16 subsection (g), (h), (i), (j), (k), or (k-5), as
17 applicable, as soon as practicable when the issue
18 identified by the regional transmission organization is
19 resolved; and

20 (3) any large GHG-emitting unit that is not a
21 participant in a regional transmission organization shall
22 be allowed to continue emitting greenhouse gases after the
23 zero-emission date specified in subsection (g), (h), (i),
24 (j), (k), or (k-5), as applicable, in the capacity of an
25 emergency backup unit if approved by the Illinois Commerce
26 Commission.

1 (m) No variance, adjusted standard, or other regulatory
2 relief otherwise available in this Act may be granted to the
3 emissions reduction and elimination obligations in this
4 Section.

5 (n) By June 30 of each year, beginning in 2025, the Agency
6 shall prepare and publish on its website a report setting
7 forth the actual greenhouse gas emissions from individual
8 units and the aggregate statewide emissions from all units for
9 the prior year.

10 (o) Every 5 years beginning in 2025, the Environmental
11 Protection Agency, Illinois Power Agency, and Illinois
12 Commerce Commission shall jointly prepare, and release
13 publicly, a report to the General Assembly that examines the
14 State's current progress toward its renewable energy resource
15 development goals, the status of CO₂e and copollutant
16 emissions reductions, the current status and progress toward
17 developing and implementing green hydrogen technologies, the
18 current and projected status of electric resource adequacy and
19 reliability throughout the State for the period beginning 5
20 years ahead, and proposed solutions for any findings. The
21 Environmental Protection Agency, Illinois Power Agency, and
22 Illinois Commerce Commission shall consult PJM
23 Interconnection, LLC and Midcontinent Independent System
24 Operator, Inc., or their respective successor organizations
25 regarding forecasted resource adequacy and reliability needs,
26 anticipated new generation interconnection, new transmission

1 development or upgrades, and any announced large GHG-emitting
2 unit closure dates and include this information in the report.
3 The report shall be released publicly by no later than
4 December 15 of the year it is prepared. If the Environmental
5 Protection Agency, Illinois Power Agency, and Illinois
6 Commerce Commission jointly conclude in the report that the
7 data from the regional grid operators, the pace of renewable
8 energy development, the pace of development of energy storage
9 and demand response utilization, transmission capacity, and
10 the CO₂e and copollutant emissions reductions required by
11 subsection (i) reasonably demonstrate that a resource adequacy
12 shortfall will occur, including whether there will be
13 sufficient in-state capacity to meet the zonal requirements of
14 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
15 regional transmission organizations, or that the regional
16 transmission operators determine that a reliability violation
17 will occur during the time frame the study is evaluating, then
18 the Illinois Power Agency, in conjunction with the
19 Environmental Protection Agency shall develop a plan to reduce
20 or delay CO₂e and copollutant emissions reductions
21 requirements only to the extent and for the duration necessary
22 to meet the resource adequacy and reliability needs of the
23 State, including allowing any plants whose emission reduction
24 deadline has been identified in the plan as creating a
25 reliability concern to continue operating, including operating
26 with reduced emissions or as emergency backup where

1 appropriate.

2 (1) In developing the plan, the Environmental
3 Protection Agency and the Illinois Power Agency shall hold
4 at least one workshop open to the public and shall
5 consider any comments made by stakeholders or the public.
6 Upon development of the plan, copies of the plan shall be
7 posted and made publicly available on the Environmental
8 Protection Agency's, the Illinois Power Agency's, and the
9 Illinois Commerce Commission's websites. All interested
10 parties shall have 60 days following the date of posting
11 to provide comment to the Environmental Protection Agency
12 and the Illinois Power Agency on the plan. All comments
13 submitted to the Environmental Protection Agency and the
14 Illinois Power Agency shall be encouraged to be specific,
15 supported by data or other detailed analyses, and, if
16 objecting to all or a portion of the plan, accompanied by
17 specific alternative wording or proposals. All comments
18 shall be posted on the Environmental Protection Agency's,
19 the Illinois Power Agency's, and the Illinois Commerce
20 Commission's websites. Within 30 days following the end of
21 the 60-day review period, the Environmental Protection
22 Agency and the Illinois Power Agency shall revise the plan
23 as necessary based on the comments received and file its
24 revised plan with the Illinois Commerce Commission for
25 approval.

26 (2) Within 60 days after the filing of the revised

1 plan at the Illinois Commerce Commission, any person
2 objecting to the plan shall file an objection with the
3 Illinois Commerce Commission. Within 30 days after the
4 expiration of the comment period, the Illinois Commerce
5 Commission shall determine whether an evidentiary hearing
6 is necessary. The Illinois Commerce Commission shall also
7 host 3 public hearings within 90 days after the plan is
8 filed. Following the evidentiary and public hearings, the
9 Illinois Commerce Commission shall enter its order
10 approving or approving with modifications the reliability
11 mitigation plan within 180 days.

12 (3) The Illinois Commerce Commission shall only
13 approve the plan if the Illinois Commerce Commission
14 determines that it will resolve the resource adequacy or
15 reliability deficiency identified in the reliability
16 mitigation plan at the least amount of CO₂e and copollutant
17 emissions, taking into consideration the emissions impacts
18 on environmental justice communities, and that it will
19 ensure adequate, reliable, affordable, efficient, and
20 environmentally sustainable electric service at the lowest
21 total cost over time, taking into account the impact of
22 increases in emissions.

23 (4) If the resource adequacy or reliability deficiency
24 identified in the reliability mitigation plan is resolved
25 or reduced, the Environmental Protection Agency and the
26 Illinois Power Agency may file an amended plan adjusting

1 the reduction or delay in CO₂e and copollutant emission
2 reduction requirements identified in the plan.

3 (Source: P.A. 97-95, eff. 7-12-11.)

4 (415 ILCS 5/9.18 new)

5 Sec. 9.18. Commission on market-based carbon pricing
6 solutions.

7 (a) In the United States, state-based market policies to
8 reduce greenhouse gases have been in operation since 2009.
9 More than a quarter of the US population lives in a state with
10 carbon pricing and these states represent one-third of the
11 United States' gross domestic product. Market-based policies
12 have proved effective at reducing emissions in states across
13 the United States, and around the world. Additionally,
14 well-designed carbon pricing incentivizes energy efficiency
15 and drives investments in low-carbon solutions and
16 technologies, such as renewables, hydrogen, biofuels, and
17 carbon capture, use, and storage. Illinois must assess
18 available suites of programs and policies to support a rapid,
19 economy-wide decarbonization and spur the development of a
20 clean energy economy in the State, while maintaining Illinois'
21 competitive advantage.

22 (b) The Governor is hereby authorized to create a carbon
23 pricing commission to study the short-term and long-term
24 impacts of joining, implementing, or designing a sector-based,
25 statewide, or regional carbon pricing program. The commission

1 shall analyze and compare the relative cost of, and greenhouse
2 gas reductions from, various carbon pricing programs available
3 to Illinois and the Midwest, including, but not limited to:
4 the Regional Greenhouse Gas Initiative (RGGI), the
5 Transportation and Climate Initiative (TCI), California's
6 cap-and-trade program, California's low carbon fuel standard,
7 Washington State's cap-and-invest program, the Oregon Clean
8 Fuels Program, and other relevant market-based programs. At
9 the conclusion of the study, no later than December 31, 2022,
10 the commission shall issue a public report containing its
11 findings.

12 (c) This Section is repealed on January 1, 2024.

13 (415 ILCS 5/22.59)

14 Sec. 22.59. CCR surface impoundments.

15 (a) The General Assembly finds that:

16 (1) the State of Illinois has a long-standing policy
17 to restore, protect, and enhance the environment,
18 including the purity of the air, land, and waters,
19 including groundwaters, of this State;

20 (2) a clean environment is essential to the growth and
21 well-being of this State;

22 (3) CCR generated by the electric generating industry
23 has caused groundwater contamination and other forms of
24 pollution at active and inactive plants throughout this
25 State;

1 (4) environmental laws should be supplemented to
2 ensure consistent, responsible regulation of all existing
3 CCR surface impoundments; and

4 (5) meaningful participation of State residents,
5 especially vulnerable populations who may be affected by
6 regulatory actions, is critical to ensure that
7 environmental justice considerations are incorporated in
8 the development of, decision-making related to, and
9 implementation of environmental laws and rulemaking that
10 protects and improves the well-being of communities in
11 this State that bear disproportionate burdens imposed by
12 environmental pollution.

13 Therefore, the purpose of this Section is to promote a
14 healthful environment, including clean water, air, and land,
15 meaningful public involvement, and the responsible disposal
16 and storage of coal combustion residuals, so as to protect
17 public health and to prevent pollution of the environment of
18 this State.

19 The provisions of this Section shall be liberally
20 construed to carry out the purposes of this Section.

21 (b) No person shall:

22 (1) cause or allow the discharge of any contaminants
23 from a CCR surface impoundment into the environment so as
24 to cause, directly or indirectly, a violation of this
25 Section or any regulations or standards adopted by the
26 Board under this Section, either alone or in combination

1 with contaminants from other sources;

2 (2) construct, install, modify, operate, or close any
3 CCR surface impoundment without a permit granted by the
4 Agency, or so as to violate any conditions imposed by such
5 permit, any provision of this Section or any regulations
6 or standards adopted by the Board under this Section; or

7 (3) cause or allow, directly or indirectly, the
8 discharge, deposit, injection, dumping, spilling, leaking,
9 or placing of any CCR upon the land in a place and manner
10 so as to cause or tend to cause a violation this Section or
11 any regulations or standards adopted by the Board under
12 this Section.

13 (c) For purposes of this Section, a permit issued by the
14 Administrator of the United States Environmental Protection
15 Agency under Section 4005 of the federal Resource Conservation
16 and Recovery Act, shall be deemed to be a permit under this
17 Section and subsection (y) of Section 39.

18 (d) Before commencing closure of a CCR surface
19 impoundment, in accordance with Board rules, the owner of a
20 CCR surface impoundment must submit to the Agency for approval
21 a closure alternatives analysis that analyzes all closure
22 methods being considered and that otherwise satisfies all
23 closure requirements adopted by the Board under this Act.
24 Complete removal of CCR, as specified by the Board's rules,
25 from the CCR surface impoundment must be considered and
26 analyzed. Section 3.405 does not apply to the Board's rules

1 specifying complete removal of CCR. The selected closure
2 method must ensure compliance with regulations adopted by the
3 Board pursuant to this Section.

4 (e) Owners or operators of CCR surface impoundments who
5 have submitted a closure plan to the Agency before May 1, 2019,
6 and who have completed closure prior to 24 months after July
7 30, 2019 (the effective date of Public Act 101-171) ~~this~~
8 ~~amendatory Act of the 101st General Assembly~~ shall not be
9 required to obtain a construction permit for the surface
10 impoundment closure under this Section.

11 (f) Except for the State, its agencies and institutions, a
12 unit of local government, or not-for-profit electric
13 cooperative as defined in Section 3.4 of the Electric Supplier
14 Act, any person who owns or operates a CCR surface impoundment
15 in this State shall post with the Agency a performance bond or
16 other security for the purpose of: (i) ensuring closure of the
17 CCR surface impoundment and post-closure care in accordance
18 with this Act and its rules; and (ii) insuring remediation of
19 releases from the CCR surface impoundment. The only acceptable
20 forms of financial assurance are: a trust fund, a surety bond
21 guaranteeing payment, a surety bond guaranteeing performance,
22 or an irrevocable letter of credit.

23 (1) The cost estimate for the post-closure care of a
24 CCR surface impoundment shall be calculated using a
25 30-year post-closure care period or such longer period as
26 may be approved by the Agency under Board or federal

1 rules.

2 (2) The Agency is authorized to enter into such
3 contracts and agreements as it may deem necessary to carry
4 out the purposes of this Section. Neither the State, nor
5 the Director, nor any State employee shall be liable for
6 any damages or injuries arising out of or resulting from
7 any action taken under this Section.

8 (3) The Agency shall have the authority to approve or
9 disapprove any performance bond or other security posted
10 under this subsection. Any person whose performance bond
11 or other security is disapproved by the Agency may contest
12 the disapproval as a permit denial appeal pursuant to
13 Section 40.

14 (g) The Board shall adopt rules establishing construction
15 permit requirements, operating permit requirements, design
16 standards, reporting, financial assurance, and closure and
17 post-closure care requirements for CCR surface impoundments.
18 Not later than 8 months after July 30, 2019 (the effective date
19 of Public Act 101-171) ~~this amendatory Act of the 101st~~
20 ~~General Assembly~~ the Agency shall propose, and not later than
21 one year after receipt of the Agency's proposal the Board
22 shall adopt, rules under this Section. The Board shall not be
23 deemed in noncompliance with the rulemaking deadline due to
24 delays in adopting rules as a result of the Joint Commission on
25 Administrative Rules oversight process. The rules must, at a
26 minimum:

1 (1) be at least as protective and comprehensive as the
2 federal regulations or amendments thereto promulgated by
3 the Administrator of the United States Environmental
4 Protection Agency in Subpart D of 40 CFR 257 governing CCR
5 surface impoundments;

6 (2) specify the minimum contents of CCR surface
7 impoundment construction and operating permit
8 applications, including the closure alternatives analysis
9 required under subsection (d);

10 (3) specify which types of permits include
11 requirements for closure, post-closure, remediation and
12 all other requirements applicable to CCR surface
13 impoundments;

14 (4) specify when permit applications for existing CCR
15 surface impoundments must be submitted, taking into
16 consideration whether the CCR surface impoundment must
17 close under the RCRA;

18 (5) specify standards for review and approval by the
19 Agency of CCR surface impoundment permit applications;

20 (6) specify meaningful public participation procedures
21 for the issuance of CCR surface impoundment construction
22 and operating permits, including, but not limited to,
23 public notice of the submission of permit applications, an
24 opportunity for the submission of public comments, an
25 opportunity for a public hearing prior to permit issuance,
26 and a summary and response of the comments prepared by the

1 Agency;

2 (7) prescribe the type and amount of the performance
3 bonds or other securities required under subsection (f),
4 and the conditions under which the State is entitled to
5 collect moneys from such performance bonds or other
6 securities;

7 (8) specify a procedure to identify areas of
8 environmental justice concern in relation to CCR surface
9 impoundments;

10 (9) specify a method to prioritize CCR surface
11 impoundments required to close under RCRA if not otherwise
12 specified by the United States Environmental Protection
13 Agency, so that the CCR surface impoundments with the
14 highest risk to public health and the environment, and
15 areas of environmental justice concern are given first
16 priority;

17 (10) define when complete removal of CCR is achieved
18 and specify the standards for responsible removal of CCR
19 from CCR surface impoundments, including, but not limited
20 to, dust controls and the protection of adjacent surface
21 water and groundwater; and

22 (11) describe the process and standards for
23 identifying a specific alternative source of groundwater
24 pollution when the owner or operator of the CCR surface
25 impoundment believes that groundwater contamination on the
26 site is not from the CCR surface impoundment.

1 (h) Any owner of a CCR surface impoundment that generates
2 CCR and sells or otherwise provides coal combustion byproducts
3 pursuant to Section 3.135 shall, every 12 months, post on its
4 publicly available website a report specifying the volume or
5 weight of CCR, in cubic yards or tons, that it sold or provided
6 during the past 12 months.

7 (i) The owner of a CCR surface impoundment shall post all
8 closure plans, permit applications, and supporting
9 documentation, as well as any Agency approval of the plans or
10 applications on its publicly available website.

11 (j) The owner or operator of a CCR surface impoundment
12 shall pay the following fees:

13 (1) An initial fee to the Agency within 6 months after
14 July 30, 2019 (the effective date of Public Act 101-171)
15 ~~this amendatory Act of the 101st General Assembly~~ of:

16 \$50,000 for each closed CCR surface impoundment;

17 and

18 \$75,000 for each CCR surface impoundment that have
19 not completed closure.

20 (2) Annual fees to the Agency, beginning on July 1,
21 2020, of:

22 \$25,000 for each CCR surface impoundment that has
23 not completed closure; and

24 \$15,000 for each CCR surface impoundment that has
25 completed closure, but has not completed post-closure
26 care.

1 (k) All fees collected by the Agency under subsection (j)
2 shall be deposited into the Environmental Protection Permit
3 and Inspection Fund.

4 (l) The Coal Combustion Residual Surface Impoundment
5 Financial Assurance Fund is created as a special fund in the
6 State treasury. Any moneys forfeited to the State of Illinois
7 from any performance bond or other security required under
8 this Section shall be placed in the Coal Combustion Residual
9 Surface Impoundment Financial Assurance Fund and shall, upon
10 approval by the Governor and the Director, be used by the
11 Agency for the purposes for which such performance bond or
12 other security was issued. The Coal Combustion Residual
13 Surface Impoundment Financial Assurance Fund is not subject to
14 the provisions of subsection (c) of Section 5 of the State
15 Finance Act.

16 (m) The provisions of this Section shall apply, without
17 limitation, to all existing CCR surface impoundments and any
18 CCR surface impoundments constructed after July 30, 2019 (the
19 effective date of Public Act 101-171) ~~this amendatory Act of~~
20 ~~the 101st General Assembly~~, except to the extent prohibited by
21 the Illinois or United States Constitutions.

22 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

23 Section 90-60. The Illinois Worker Adjustment and
24 Retraining Notification Act is amended by changing Section 10
25 as follows:

1 (820 ILCS 65/10)

2 Sec. 10. Notice.

3 (a) An employer may not order a mass layoff, relocation,
4 or employment loss unless, 60 days before the order takes
5 effect, the employer gives written notice of the order to the
6 following:

7 (1) affected employees and representatives of affected
8 employees; and

9 (2) the Department of Commerce and Economic
10 Opportunity and the chief elected official of each
11 municipal and county government within which the
12 employment loss, relocation, or mass layoff occurs.

13 (a-5) An owner of an investor-owned electric generating
14 plant or coal mining operation may not order a mass layoff,
15 relocation, or employment loss unless, 2 years before the
16 order takes effect, the employer gives written notice of the
17 order to the following:

18 (1) affected employees and representatives of affected
19 employees; and

20 (2) the Department of Commerce and Economic
21 Opportunity and the chief elected official of each
22 municipal and county government within which the
23 employment loss, relocation, or mass layoff occurs.

24 (b) An employer required to give notice of any mass
25 layoff, relocation, or employment loss under this Act shall

1 include in its notice the elements required by the federal
2 Worker Adjustment and Retraining Notification Act (29 U.S.C.
3 2101 et seq.).

4 (c) Notwithstanding the requirements of subsection (a), an
5 employer is not required to provide notice if a mass layoff,
6 relocation, or employment loss is necessitated by a physical
7 calamity or an act of terrorism or war.

8 (d) The mailing of notice to an employee's last known
9 address or inclusion of notice in the employee's paycheck
10 shall be considered acceptable methods for fulfillment of the
11 employer's obligation to give notice to each affected employee
12 under this Act.

13 (e) In the case of a sale of part or all of an employer's
14 business, the seller shall be responsible for providing notice
15 for any plant closing or mass layoff in accordance with this
16 Section, up to and including the effective date of the sale.
17 After the effective date of the sale of part or all of an
18 employer's business, the purchaser shall be responsible for
19 providing notice for any plant closing or mass layoff in
20 accordance with this Section. Notwithstanding any other
21 provision of this Act, any person who is an employee of the
22 seller (other than a part-time employee) as of the effective
23 date of the sale shall be considered an employee of the
24 purchaser immediately after the effective date of the sale.

25 (f) An employer which is receiving State or local economic
26 development incentives for doing or continuing to do business

1 in this State may be required to provide additional notice
2 pursuant to Section 15 of the Business Economic Support Act.

3 (g) The rights and remedies provided to employees by this
4 Act are in addition to, and not in lieu of, any other
5 contractual or statutory rights and remedies of the employees,
6 and are not intended to alter or affect such rights and
7 remedies, except that the period of notification required by
8 this Act shall run concurrently with any period of
9 notification required by contract or by any other law.

10 (h) It is the sense of the General Assembly that an
11 employer who is not required to comply with the notice
12 requirements of this Section should, to the extent possible,
13 provide notice to its employees about a proposal to close a
14 plant or permanently reduce its workforce.

15 (Source: P.A. 93-915, eff. 1-1-05.)

16 Article 99. Miscellaneous Provisions; Effective Date

17 Section 99-95. No acceleration or delay. Where this Act
18 makes changes in a statute that is represented in this Act by
19 text that is not yet or no longer in effect (for example, a
20 Section represented by multiple versions), the use of that
21 text does not accelerate or delay the taking effect of (i) the
22 changes made by this Act or (ii) provisions derived from any
23 other Public Act.

1 Section 99-97. Severability. The provisions of this Act
2 are severable under Section 1.31 of the Statute on Statutes.

3 Section 99-99. Effective date. This Act takes effect upon
4 becoming law.